

PASSED

**CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC**

Date: APR 02 2024

RESOLUTION NO. 173 (2024)

A resolution to exclude Robert Earl Hutchinson from the lands of the Eastern Band of Cherokee Indians.

WHEREAS, the Eastern Band of Cherokee Indians (“EBCI” or “Tribe”) has the sovereign authority to exclude persons from lands of the Eastern Band in order to protect the integrity, law and order of the lands, and the welfare of Tribal members; and

WHEREAS, the Tribal Council has codified its authority to exclude persons from the lands of the Eastern Band at Chapter 2 of the Cherokee Code; and

WHEREAS, the power to exclude is an inherent and essential part of Tribal sovereignty that is indispensable to the Tribe's autonomy and self-governance; and

WHEREAS, ROBERT EARL HUTCHINSON (Date of Birth: 04/23/1965) is not a member of the EBCI or any other federally recognized Indian Tribe; and

WHEREAS, on March 4, 2024, Cherokee Indian Police Department (“CIPD”) officers were involved in a traffic stop at 6800 Wolftown Road, on the Qualla Boundary; and

WHEREAS, during the investigation of the traffic stop on Wolftown Road, CIPD officers found alleged controlled substances on or near in proximity to ROBERT EARL HUTCHINSON, including 4.5 grams of fentanyl and 1.5 grams of methamphetamine; and

WHEREAS, since 2021, ROBERT EARL HUTCHINSON has more than 22 involvements with the CIPD, most of which are citizens accusing HUTCHINSON of crimes; and

WHEREAS, due to the nature of the alleged actions of ROBERT EARL HUTCHINSON, Tribal Council has good reason to believe that he is a threat to the integrity, law and order of EBCI lands, and the welfare of the members of the Tribe; and

NOW THEREFORE, BE IT RESOLVED by Tribal Council, in Council assembled with a quorum present, and with the number of votes required by Tribal law, ROBERT EARL HUTCHINSON is hereby PERMANENTLY EXCLUDED from all Tribal lands and is hereby notified and ordered to vacate all tribal lands.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits ROBERT EARL

HUTCHINSON from entering or being present on Tribal lands for any purpose except as required by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if ROBERT EARL HUTCHINSON is found improperly on Tribal lands at any time after the effective date of this resolution, he shall be treated as a trespasser and appropriate legal action shall be taken against him.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by Chief of Police Carla Neadeau.

DATE 3/5/24 4:15pm
 BY MAGISTRATE

FILED



Writ Application No (if applicable)
 TB24-0003

EASTERN BAND OF CHEROKEE INDIANS

Tribal Council

EASTERN BAND OF CHEROKEE INDIANS VERSUS

**WRIT OF EMERGENCY
 TEMPORARY EXCLUSION**

Name of Individual Robert Earl Hutchinson		Non-Member <input checked="" type="checkbox"/> Yes
Race BIK	Sex M	DOB 4-23-1965

FINDINGS

Location of Incident 6800 Wolfetown Rd	Date of Incident 3-4-24	Time of Incident 3:32pm	CJRD Case Number 2024-04077
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I, the undersigned have reviewed the Application for Writ of Emergency Temporary Exclusion and have determined that probable cause exists that on or about the date of offense shown and in the location named above, the non-member individual named above did commit a Drug Offense, as defined in C.C. §2-9, and thereby constitutes a treat to the integrity and law and order on Tribal lands of the Eastern Band of Cherokee Indians and territory or welfare of its members.

Drug Statute	Offense
14-95.9	Trafficking in opiate
14-95.6(b)	Possession with intent to sale manufacture, Deliver

WRIT

TO THE PERSON NAMED ABOVE

Under the authority of the Laws of the Eastern Band of Cherokee Indians, you are ordered to leave the territorial jurisdiction of the Eastern Band of Cherokee Indians and not to return until permitted by the Tribal Council of the Eastern Band of Cherokee Indians. This application and Writ will be placed on the agenda of Tribal Council on the date and time showed below. You may appear at this hearing where Tribal Council will review all facts and determinations in this matter.

TO ANY CHEROKEE OFFICER

Under the authority of the Laws of the Eastern Band of Cherokee Indians, you are hereby ordered to execute this Writ of Emergency Temporary Exclusion by serving a copy of this Writ and Application upon the person named above and transporting this Non-Member to any point outside the territorial jurisdiction of the Eastern Band of Cherokee Indians. This is in addition to any criminal charged filed against the person named above. If this person is found within the territorial jurisdiction of the Eastern Band of Cherokee Indians after the execution of this Writ, they are to be taken into custody and are to be charged in Federal and/or Tribal Court.

Date To Appear 4/2/24	Time To Appear PM 11:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/>	Date Of Order 3-5-24
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Place To Appear Council House Cherokee, Qualla Boundary (NC)	Signature <i>[Signature]</i>
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RETURN OF SERVICE

I certify that was received and served on the defendant as follows:

Hand to hand

Date Received 3/5/24	Date of Return 3/5/24	Officer Making Return <i>[Signature]</i>
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The attached Resolution/Ordinance No. 173 dated APRIL 2, 2024 was:

PASSED (X)

KILLED ()

and ratified in open Council on APRIL 2, 2024 by 100 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahnetah	X			
David Wolfe	X			
Adam Wachacha	X			
Mike Parker	X			
Bo Crowe	X			
Jim Owle	X			
Dike Sneed	X			
Michael Stamper	X			
	100	0	0	0

TRIBAL COUNCIL CHAIRMAN

Mike Parker

PRINCIPAL CHIEF

Michael Stamper

Michelle Thompson

ENGLISH CLERK

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: _____

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

INTERPRETED ()

OMITTED ()