



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Cherokee Agency  
Cherokee, North Carolina 28719

IN REPLY REFER TO.

Michell Hicks, Principal Chief  
Eastern Band of Cherokee Indians  
P.O. Box 455  
88 Council House Loop Cherokee, NC 28719

Dear Chief Hicks:

Attached is a signed Tribal Council Resolution/Ordinance No. 713 introduced on May 5, 2011 and **Passed** on May 5, 2011. Should you have any questions regarding this matter please contact me at (828) 497-9131 extension 227.

Sincerely,

*Darlene Whitten, Acting*  
Superintendent

# PASSED

Cherokee Council House  
Cherokee, Qualla Boundary (NC)

Date: MAY 05 2011

## RESOLUTION NO. 713 (2011)

- WHEREAS, the Eastern Band of Cherokee Indians has the sovereign authority to exclude persons from lands of the Eastern Band in order to protect the integrity, law and order on Tribal lands and territory or the welfare of the members of the Tribe; 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, exclusion authority allows for issuance of a Writ of Temporary Exclusion for drug offenses, all of which are deemed to be a threat to the integrity, law and order on Tribal lands and territory or the welfare of its members; and
- WHEREAS, a Writ of Temporary Exclusion was issued upon Ricky Lee Gunter; and
- WHEREAS, Ricky Lee Gunter is not a member of the Eastern Band of Cherokee Indians and is currently entering or residing on Tribal lands; and
- WHEREAS, Tribal Council has good reason to believe that Ricky Lee Gunter is a threat to the integrity, law and order on Tribal lands and territory or the welfare of its members by engaging in certain conduct, examples of such conduct are attached to this resolution as an exhibit; and
- WHEREAS, Ricky Lee Gunter's behavior has resulted in the reasonable belief among members of the Eastern Band of Cherokee Indians that he poses a substantial threat of further injury to property and persons if he is allowed to remain; and
- WHEREAS, Ricky Lee Gunter has been convicted in Cherokee Tribal Court for the following criminal acts:
- a. Cherokee Code 14-95.(a) Possession of a Schedule II controlled substance (Methadone)
  - b. Cherokee Code 14.95.22 Prior convictions
- WHEREAS, Tribal Council believes that the threat to this Tribe will diminish if Ricky Lee Gunter is not allowed to remain on lands owned by or held in trust for the Eastern Band of Cherokee Indians.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled, and with a quorum present, and by a three-fourths vote of the Tribal Council, that for good cause shown, that a hearing will be held before Tribal Council to determine whether Ricky Lee Gunter should be **permanently** excluded from Tribal lands owned by or held in trust for this Tribe.

BE IT FURTHER RESOLVED that if after the exclusion hearing Tribal Council shall determine that exclusion is warranted, Ricky Lee Gunter shall be given notice to vacate and shall remove himself and his personal property from all Tribal lands within the twenty-four (24) hours as specified by Tribal Council.

BE IT FURTHER RESOLVED that if Ricky Lee Gunter is found on Cherokee lands at any time after being excluded, he shall be treated as a trespasser and law enforcement personnel shall arrest him and take other appropriate legal action against him.

BE IT FINALLY RESOLVED that this resolution shall be effective upon ratification by the Principal Chief.

*Submitted by: Ben Reed, Chief of the Cherokee Police Department.*

The attached Resolution/Ordinance No. 713 dated May 5, 2011 was:

**PASSED** (  )

**KILLED** (  )

and ratified in open Council on May 5, 2011 by 76 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT	TABLE
Teresa McCoy	X				
Perry Shell	X				
Gene Crowe				X	
Mike Parker	X				
David Wolfe	X				
Alan Ensley	X				
Jim Owle				X	
Diamond Brown	X				
Adam Wachacha	X				
Bill Taylor	X				
Terri Henry	X				
Tommye Saunooke	X				
<b>Total:</b>	76	0	0	24	0

  
TRIBAL COUNCIL CHAIRMAN

  
CLERK

  
PRINCIPAL CHIEF

APPROVED (  )

VETOED (  )

VETO UPHeld (  ) VETO DENIED (  )

DATE: 5-5-11

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

**PASSED** (  )

**KILLED** (  )

and ratified by Council Chairperson, Clerk, and Principal Chief of the Eastern Band of Cherokee Indians.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.

\_\_\_\_\_  
INTERPRETED (  )

  
OMITTED (  )