

**Cherokee Council House  
Cherokee, Qualla Boundary (NC)**

Date: \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_ (2017)**

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 of those lands and 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, KEVIN MICHAEL HART, with a birth date of 10/10/72, is not a member of the Eastern Band of Cherokee Indians and is or has been residing on Tribal lands; and

WHEREAS, KEVIN MICHAEL HART was temporarily excluded on February 2, 2017 incident to an arrest for violation of Cherokee Criminal Code for the following drug related offenses:

- a. Cherokee Code 14-95.5(a): Possessing a controlled substance classified as schedule II, specifically 430 mg oxycodone dosage units;
- b. Cherokee Code 14-95.5(b): Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hashish (Aggravated Possession of Marijuana);
- c. Cherokee Code 14-95.6(c): Possessing with intent to sell or deliver a controlled substance classified as schedule II, specifically 430 mg oxycodone dosage units;
- d. Cherokee Code 14-95.8(d): Possessing an immediate precursor chemical;
- e. Cherokee Code 14-95.10: Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians;

WHEREAS, Tribal Council has good reason to believe that KEVIN MICHAEL HART is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled with a quorum present and with the number of votes required by Tribal law, that KEVIN MICHAEL HART is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands upon such release or transfer.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits KEVIN MICHAEL HART from entering on or being present on Tribal lands for any purpose except as required by a subpoena issued by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if KEVIN MICHAEL HART 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 The Cherokee Indian Police Department Chief of Police pursuant to Cherokee Code Chapter 2.*