



10-28-16P12:50 RCVD BB

THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

Senah Owens, PETITIONER

Case No.: 2016-004

VS.

REMAND FOR HEARING BEFORE THE
ADMINISTRATIVE COURT

Lumbee Tribe of North Carolina, RESPONDENT

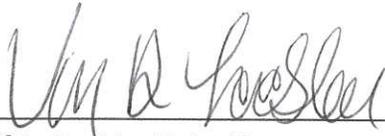
This petition having been brought to the attention of the Court, and thereafter having been reviewed and deliberated in chambers on September 7, 2016 by Justices Von Locklear, Tina Dicke, Wendell Lowery, Francine Chavis and Matthew Scott unanimously renders the following decision:

This case shall be remanded back for hearing before the Administrative Court of the Lumbee Tribe for the following reasons: The Court finds there to be a lack of due process in this case. Due process serves many basic goals. In order to ensure due process it is necessary that the procedures by which laws are applied be fair and impartial. Two of these goals are to prevent the wrongful deprivation of interests and to make people feel that the government has treated them fairly by listening to their side of the story. In general, the more important the right in question, the more process that must be given. The Court finds membership in the Lumbee Tribe of North Carolina being the most important right of the people.

Tribal Ordinance No. 2004-0003, Section 4: Jurisdiction, as amended on November 16, 2006, states "The Administrative Court shall hear all complaints arising, except those identified or designated according to the Tribal Constitution, including but not limited to the administration of tribal programs, denial of tribal membership and removal, **except the Court may decline any case upon a majority vote of the judges.**" Further, the Administrative Court's own procedures deal with the consideration of these goals. They state "4. All five judges are to review the evidence contained in the file. a. Discuss case facts in detail to determine if the case has merit and whether it should be considered for a hearing, or forwarded to the Supreme Court." It would seem once the decision has been made not to decline the case the Administrative Court is obligated by Tribal Ordinance No. 2004-0003, Section 4, No. 5 to assign three Judges "to hear and make a decision on the issues addressed in the petition." Since this did not occur, the Supreme Court now remands the case back to the Administrative court for an in person hearing for all parties.

Based upon this petition at hand and others brought before this Court, such as Supreme Court Case No. 2015-001, the Supreme Court further orders the Administrative Court to adhere to the procedures in Tribal Ordinance No. 2004-0003 to ensure each and every petitioner brought before them is given the proper due process for which they are entitled.

Entered this 28th day of October, 2016 and signed by Chief Justice Von D. Locklear on behalf of the Supreme Court of the Lumbee Tribe of North Carolina.



Chief Justice Von D. Locklear