



07-21-15A09:03 RCVD BR

THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

**LEROY FREEMAN AND THE COMMITTEE
FOR CONSTITUTIONAL INTEGRITY**

CASE NO:

2015-003

VS.

N/A

DENIAL OF PETITION

The Petitioner is requesting the Court to define a "term," specifically as it relates to the office of the Chairman. As of the drafting of this Order, neither the current Chairman nor any other candidate has filed for the Office of Chairman for the next tribal election cycle. It appears that the Petitioner is requesting the Court to give an opinion on an issue that is not currently ripe for review. It is this Court's opinion that there is currently no issue for the Court to decide at this time. Any decision rendered at this time would only be speculative and based on assumptions. This Court is not an advisory council or advisory body, but rather is a branch of government created to adjudicate issues actually in dispute and to adjudicate said issues in accordance with the Lumbee Constitution.

The Court holds at this time that there is no issue ripe for review. Therefore, the Petitioner's Petition is **HEREBY DISMISSED**.

Should the issue become ripe, the Petitioner shall not be precluded from filing any future Petition.

ON THIS THE 20TH DAY OF JULY 2015, Justice Matthew Scott signs this court's decision on behalf of Justices Tina Dicke, Wendell Lowery and Von D. Locklear. Justice Francine Chavis joins in a concurring opinion.

Justice Matthew Scott

Concurring Opinion of Justice Francine Chavis;

I agree with the majority vote that the issue brought before the court in this petition is not ready to be heard, how I reached this opinion is as follows. I feel this is an issue that should be reviewed and evaluated because of the vast concern throughout the tribal community as

exhibited by the Petitioners in this case, which in my opinion does rise to a level of controversy. In determining if the petition is ready for consideration by the Court, my evaluation is two-fold. First, have the Petitioners in this case experienced any adverse effects regarding the issue of defining a "term"? Secondly, would postponing a decision on the matter create a direct hardship on the filing Petitioners? Unfortunately, none of the Petitioner(s) in this case has shown where he or she will be injured in this matter if not heard, because no one in the petition has noted their specific intent to run for the position of Tribal Chairman. My thoughts are that there would be a more solid argument had the petition been filed by Petitioners whose intent were to run for Tribal Chairman. I feel he or she could then show the Court a direct effect for the clarification of a "term" as defined by the Constitution. Had a tribal member in the petition noted their intent to file for the position of Tribal Chairman, I would have felt it necessary to further evaluate the arguments in the petition and determine if the Constitution of the Lumbee Tribe of North Carolina is clear on what justifies a term. For that reason I concur with the majority in dismissal of the petition until when or if a suitable Petitioner does file.



Justice Francine Chavis