

## SUPREME COURT LUMBEE TRIBE OF NORTH CAROLINA

January 12, 2009

### JUSTICES

Henry W. Oxendine  
*Chief Justice*

Darlene H. Ransom

David Locklear

Joel Garth Locklear

James Deese

Vs.

Lumbee Tribal Election Board

This matter is before the Court based on a petition filed by Mr. James Deese.

This Hearing was conducted on January 8, 2009, at the Tribal Headquarters on Union Chapel Road in Pembroke, NC.

Present at the Hearing was Mr. Deese and his wife as well as Mr. Ertle Oxendine, Chairman of the Tribal Election Board and an employee of the Election Board.

Mr. Deese alleges that members of his district were denied the right to vote absentee ballots because of the post office returning absentee ballots because some mix up as to whether the rent was paid on the box.

We note that Mr. Deese received four (4) absentee ballots and his opponent received two (2). This indicates to us that some of the absentee ballots were counted.

Mr. Deese presented affidavits from three (3) persons who went to the polls on Election Day and were denied the right to vote because they did not have identification on them. It was not made clear at the Hearing as to whether or not these three individuals were advised that they could vote if their identity could be verified.

Mr. Deese lost by two (2) votes. If these three (3) individuals had been allowed to vote, the out come of this Election could have been different. Mr. Oxendine indicated that he had verified that all three persons were tribal members.

This Court feels that a new Election in District 6 should be granted.

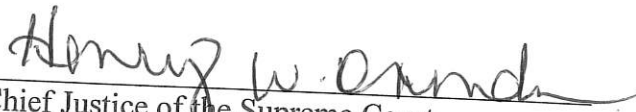
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Justices Joel Garth Locklear, David Locklear and Darlene Ransom concur in this opinion.

This the 19<sup>th</sup> day of January, 2009.

  
Chief Justice of the Supreme Court

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