



**THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA**

*Justice Mark Brooks*  
*Justice Everett Moore*

*Justice Mary Beth Locklear*  
*Justice Joshua D. Malcolm*

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David Locklear, )  
 )  
 **PETITIONER,** )  
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 v. )  
 )  
 Ron Oxendine, )  
 )  
 **RESPONDENT,** )  
 )  
 and )  
 )  
 Tribal Elections Board, )  
 )  
 **INTERVENOR-** )  
 **RESPONDENT.** )  
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 )  
 Ron Oxendine, )  
 )  
 **PETITIONER,** )  
 )  
 v. )  
 )  
 Supreme Court of the Lumbee Tribe [sic] )  
 )  
 **RESPONDENT.** )

**Case No.: 2021-001**  
**MOTION FOR RECONSIDERATION**  
**DENIED**

**TAC-21-10-02**  
**ADMINISTRATIVE COURT DECISION**  
**PUBLIC REBUKE**

**IN THIS MATTER**, the original Petition was filed on October 6, 2021, alleging violation(s) of the Constitution of the Lumbee Tribe of North Carolina (“Constitution”)<sup>1</sup>, Article VIII. Section 2(b). The Supreme Court of the Lumbee Tribe (“Court”) issued an Emergency Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_Prehearing ORDER\_10072021 1130 signed) on October 7, 2021, at 11:30 a.m. ET. The Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_Prehearing ORDER\_10082021 1830 signed) on October 8, 2021, at 6:00 p.m. ET. The Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_Prehearing ORDER\_10092021 1730 signed) on October 9, 2021, at 5:30 p.m. ET. The Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_Prehearing ORDER\_10132021 1815) on October 13, 2021, at 6:15 p.m. ET. The Court issued a DECISION (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_FINAL decision of Court\_10202021 1725) on October 20, 2021, at 5:25 p.m. ET. The Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_FINAL decision of Court\_10222021 2045) on October 22, 2021, at 8:45 p.m. ET. The Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_ORDER\_TAC.21.10.02\_TAC.21.10.03\_2110292021 1600 FINAL) on October 29, 2021, at 4:00 p.m. ET.

Upon receipt of the original Petition in this matter, the Court issued an Emergency Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_Prehearing ORDER\_10072021 1130 signed), where it forwarded questions to the named parties and interested parties relating to how the Court should address several procedural and substantive concerns. The Court, believing it proper to notice the parties as well as interested or potentially interested parties, issued questions which were shared with the Lumbee Tribal Elections Board (“Elections Board”). The Elections Board issued responses to the Court’s inquiry, including requests to dismiss the Petition also presented to the Court at the hearing. The Petitioner issued responses to the Court’s inquiry. Respondent Oxendine *did not* respond to the questions asked by the Court.

On October 14, 2021, starting at 9:00 a.m., the Court convened for a 12+ (twelve) hour hearing. The hearing was open to tribal members and the public, and it’s estimated that approximately

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<sup>1</sup> [Constitution of the Lumbee Tribe of North Carolina](#)

seventy-five (75) observers were physically present at the hearing, at the Pembroke Boys and Girls Club Gym, 120 Youth Drive, Pembroke, NC. The Court has reason to believe many of the individuals that submitted “affidavits” on behalf of Respondent Oxendine were physically present at the hearing, including Respondent Oxendine’s wife, Ms. Tina Oxendine. Despite having the opportunity to do so, Respondent didn’t call any of these individuals as a witness(es) in his defense or to answer questions regarding his eligibility. Because of the intense interest across the Tribe itself, the Court ordered the hearing to be live streamed across the internet so individuals across the Tribal Territory and out of the Territory could watch the Court proceedings live and later. The Court has reason to know that as many as 90 (ninety) viewers were concurrently watching the hearing live online via the internet at one point or the other during the 12+ (twelve) hour hearing. The Court has reason to know the video recording of this hearing has been watched over 4,700 (four thousand seven hundred) times, which remains available for viewing.<sup>2</sup> On the day of the hearing, but before the Court allowed any argument on any preliminary or substantive matters involving the controversy at bar, the Court followed its standard process of making inquiry of the parties as to any objections they may have related to the Court. The Chief Justice specifically asked the parties, “on behalf of the Court...do you have any concerns, objections, or any other issues you want to raise as it relates to the panel of four (4) justices that are sitting before you today?” The Chief Justice explicitly mentioned to the parties, including Respondent Oxendine, that the Constitution “authoriz[es]” five (5) justices. None of the parties, including Respondent Oxendine, raised any objection or concern(s) about the fact that only four (4) justices were currently serving on the Court. The Chief Justice made individual inquiry of each of the parties. Respondent Oxendine’s counsel, addressing the Court, asked that the Chief Justice recuse himself or the remaining members of the panel disqualify him. Respondent Oxendine’s counsel then orally expressed his concerns, by reading from and referencing a document before him. Respondent Oxendine, among other things, informed the Court that the Chief Justice was the general counsel for Lumbee Tribe Enterprises, LLC (LTE). Respondent Oxendine stated the Chief Justice is the President of Lumbee Tribe Holdings, Inc. (LTH). Respondent Oxendine explained his understanding of the ownership of these entities. Respondent Oxendine referred to Article XI. Section 2., Article IX. Section 3.c. et al. of the

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<sup>2</sup> [Video of Locklear v. Oxendine, Case No.: 2021-001](#)

Constitution. Respondent Oxendine referred to an ongoing legal matter, *LTE v. Ronnie Oxendine and Spencer Locklear*, pending in Robeson County Superior Court. Respondent Oxendine asserted that the Chief Justice was conflicted in the case at bar because of the ongoing litigation. Respondent Oxendine asserted that the Chief Justice's employment with LTE was connected to the ongoing legal matter. Respondent Oxendine asserted that the Chief Justice has a conflict of interest because of these things. Intervenor-Respondent indicated they had no issues with the panel. Petitioner addressed the Court. Petitioner stated that he believed that just because one of the panel members was involved in a separate legal matter involving Respondent Oxendine that does not conflict that panel member out of the case at bar. Petitioner then discussed his understanding of "the standard." He stated he had heard nothing in the presentation from Respondent Oxendine that requires the Chief Justice's disqualification. The Chief Justice responded to Respondent Oxendine's statements. The Chief Justice stated he was going to speak directly to clear up a few misstatements by Respondent Oxendine. The Chief Justice explained his past employment relationship with LTE. The Chief Justice explained the ownership interests in LTE. The Chief Justice explained his ¾ time work for LTE and private practice through June 2021. The Chief Justice clarified that no one who works at LTE works for the Tribal Council or Chairman. He explained that the six (6) person LTE Board of Directors is appointed to 15-year terms, not subject to removal or influence by the Tribal Council or Chairman. The Chief Justice explained that he worked directly for the Board of Directors, and not the LTE President. The Chief Justice explained his 14-month tenure as the Interim President/CEO of LTH, which he served in without compensation. He then corrected Respondent Oxendine's earlier comments and clarified that effective July 1, 2021, he had become the permanent President/CEO of LTH, while still being responsible for job functions (e.g., compliance related matters) related to LTE. The Chief Justice described the due diligence steps he had taken regarding his different roles, starting in 2019. He explained the additional steps taken involving the matter at bar, his past roles with LTE, his current role with LTH, and his service on the Court. The Chief Justice described steps taken to obtain feedback/opinions from the NC State Bar. The Chief Justice explained steps taken, although not required, to apply Canon 3 of the NC Judicial Standards to his present situation. The Chief Justice explained the Board make-up of LTH, which has four (4) members. The Chief Justice stated even if Respondent Oxendine is elected Tribal Chairman, he would not be eligible to sit on the LTH Board of Directors, based on the decision of the

Directors. The Chief Justice clarified that he has never sued Respondent Oxendine. The Chief Justice clarified comments made by Respondent Oxendine that he was not and is not “counsel of record” on any litigation involving LTE. The Chief Justice announced he would not recuse himself. After the Chief Justice’s comments, each member of the panel then individually expressed themselves. Justice Brooks spoke of his views on the matter and his opinions of conflicts of interest. Justice Brooks did not request the Chief Justice be disqualified. Justice Moore commented that he does not see any issues related to the Chief Justice serving on the panel and discussed their past service together. Justice Locklear indicated she had no comments.

Respondent Oxendine also filed a petition, TAC-21-10-03, with the Tribal Administrative Court of the Lumbee Tribe of North Carolina (“Administrative Court”) on October 28, 2021. The issues presented in both petitions relate to matters already decided by the Court IN RE *Locklear v. Oxendine*, Case No.: 2021-001, where the Supreme Court of the Lumbee Tribe of North Carolina (“Court”) issued a 16-page detailed written opinion on October 20, 2021.<sup>3</sup> In said opinion, this Court ruled Respondent Oxendine ineligible to run for Tribal Chairperson. This Court further instructed the Lumbee Tribal Elections Board (“Election Board”) that distribution of absentee ballots for the upcoming November 9, 2021 election ought to “resume quickly to lessen any further prejudice to Lumbee voters requesting absentee ballots.” The Court ordered modified absentee ballots to be distributed to Lumbee voters who had requested them, and modified ballots to be made available to Lumbee voters on Election Day November 9, 2021.

On October 22, 2021 at 4:00 p.m., this Court conferenced in public, via live streaming, to consider matters related to a Resolution issued by the Election Board whereby they had decided, unilaterally, that the election date would be changed to December 14, 2021. Because of the heightened interest across the Tribe itself, the Court ordered their deliberations/discussions be live streamed across the internet so individuals across the Tribal Territory and out of the Territory could observe the proceedings live and later<sup>4</sup>. The Court has reason to know the video recording of these deliberations/discussions has been watched over 420 (four hundred twenty)

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<sup>3</sup> [Locklear v. Oxendine, Case No.: 2021-001](#)

<sup>4</sup> [Court holds live Conference on October 22, 2021](#)

times, which remains available for viewing. On October 22, 2021, this Court announced it had retained jurisdiction. On October 22, 2021, this Court, among other things, ordered the Election Board to comply with its October 20, 2021 Order and to “take any and all necessary steps to modify all schedules, dates, and processes to accomplish the intent of this ruling to ensure that the election occurs on November 9, 2021. On October 27, 2021, Respondent Oxendine filed a petition with the Administrative Court, *Ron Oxendine v. Tribal Supreme Court*, TAC- 21-10-02. In said petition, the Respondent Oxendine requests the Administrative Court to review the actions of the Supreme Court and overturn its ruling in *Locklear v. Oxendine*, Case No. 2021-001. On October 28, 2021, Welford Clark filed a petition with the Administrative Court in *Clark v. Tribal Board of Elections*, TAC-21-10-03. In said petition, Clark seeks “cease from conducting the election activity in progress...” On October 29, 2021, David Locklear, the Petitioner in *Locklear v. Oxendine*, Case No. 2021-001, filed a Motion to Allow Friend of the Court Brief with the Administrative Court in TAC-21-10-02. The Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_ORDER\_TAC.21.10.02\_TAC.21.10.03\_2110292021 1600 FINAL) on October 29, 2021, at 4:00 p.m regarding two (2) petitions pending with the Administrative Court, specifically *Ron Oxendine v. Tribal Supreme Court*, TAC-21-10-02 and *Clark v. Tribal Board of Elections*, TAC-21-10-03. On October 31, 2021, the Administrative Court dismissed TAC-21-10-02 and TAC-21-10-03 and “acknowledge[d] its lack of authority....” And wrote, “this court possess[es] no Constitutional authority to hear the matters.” On November 2, 2021 at 8:46 a.m. ET, at the direction of the Court, Mr. Matt Roller informed Respondent Oxendine, TAC-21-10-03 Petitioner Clark et al., via verified email, that the Court would not be holding a hearing on November 2, 2021 to consider any matters.

The Court having retained jurisdiction in this matter makes the following **findings**:

1. Article IX Section 1 of the Lumbee Constitution states the “judicial power of the Lumbee Tribe of North Carolina shall reside in the Supreme Court of the Lumbee Constitution and such inferior courts as the Tribal Council may establish.”
2. Article IX Section 1 of the Lumbee Constitution states the “Supreme Court of the Lumbee Constitution shall have original jurisdiction over all cases and controversies

arising under the Lumbee Constitution and all ordinances of the Lumbee Tribe of North Carolina.”

3. Lumbee Tribal Ordinance 2004-0003 establishes the Administrative Court pursuant to Article IX Section 1 of the Lumbee Constitution.
4. The Administrative Court is in fact a court inferior to the Supreme Court of the Lumbee Constitution pursuant to both Article IX of the Lumbee Constitution and Lumbee Tribal Ordinance 2004-0003.
5. Being an inferior court, the Administrative Court has no authority to review any matter decided by the Supreme Court of the Lumbee Constitution, which is its superior.
6. The Administrative Court has no jurisdiction, original or appellate, to hear any matters or controversies arising from the Lumbee Constitution or Lumbee Tribal Ordinances.
7. On October 27, 2021, Respondent Oxendine filed an action with the Administrative Court in TAC-21-10-02, requesting the Administrative Court “remove the Supreme Court Justices for violation of their aforementioned constitutional ordinances” and “[p]lace Ron Oxendine name back on the ballot and reschedule the election to 14 December 2021 proposed by the Board of Elections.”
8. Respondent specifically alleged, “CLLO-2010-0312-01, Section I, subparagraph b, use my personal information obtained in execution of their duties that is not available to the public; the Supreme Court did a preplanned act to gather information thus becoming a plaintiff.” He alleged, “Article X, Section I, subsection a; [r]endered [sic] a policy and usurped [sic] the authority of the BOE and violated the constitutional mandate of the OBE to establish election policy.” He alleged, “Court ruled unconstitutionally when there was no case or controversy before it violating Article 9 [sic], Section I of the Constitution.”
9. On October 29, 2021 the Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-001\_ORDER\_TAC.21.10.02\_TAC.21.10.03\_2110292021 1600 FINAL).
10. On October 29, 2021 at or about 4:40 p.m. the aforementioned Order was sent to Respondent Oxendine via verified electronic mail. This Order included, among other things:
  - a. “The petition filed by the Respondent Ron Oxendine with the Administrative Court is hereby dismissed for failure to state a claim upon which relief can be granted.”

- b. *“The Administrative Court shall not schedule or hold any hearing or consider any petition by the Respondent Ron Oxendine, TAC-21-10-03 Petitioner Clark or any other petitioner, requesting any ruling of the Supreme Court to be reversed, amended, or obstructed.”*
- c. “The petition filed by the Respondent Ron Oxendine with the Administrative Court is treated by this Court as a Motion for Reconsideration.”
- d. “[Petitioner] Oxendine is permitted to submit a brief to the Court, supporting the claims made in his Administrative Court filing TAC-21-10-02 before 5:00 p.m. October 30, 2021 via email to Matt Roller at [mroller@lumbeetribe.com](mailto:mroller@lumbeetribe.com) only. Any brief submitted shall be type written in Times New Roman, 12 font, 1 inch margins, not exceeding five (5) pages and submitted as a single PDF document. After the submission has been received and considered, the Court will decide the extent, if any, to which it shall take additional steps in this matter.”
- e. *“If the Court decides to hear from Respondent Oxendine, such matters will be heard on Tuesday, November 2, 2021 and a location and time to be determined.”*
- f. “Respondent Oxendine and TAC-21-10-03 Petitioner Clark shall have until October 30, 2021 at 5:00 p.m. to notify this Court if they will have counsel or a representative speaking on their behalf on November 2, 2021, should the Court set these matters over for hearing. The notification must list the person’s full name, address, contact address, email address and bar number, if they are an attorney. Said notification must be submitted to Matt Roller at [mroller@lumbeetribe.com](mailto:mroller@lumbeetribe.com) only. Failure to submit this name, as directed will result in the Court disallowing any person from speaking on behalf of Respondent Oxendine or TAC-21-10-03 Petitioner Clark.”
- g. “The Executive Branch, in order to faithfully execute the laws of the Lumbee Tribe of North Carolina shall take whatever action, ‘necessary and proper,’ to ensure any hearing scheduled by the Administrative Court, to review the decision(s) by this Court in these matters shall not be permitted in tribal facilities controlled by the Executive Branch.”
- h. “The Court recognizes the extraordinary nature and requirements of this Order and enters such with a *clear expectation that all related to this matter shall comply as set forth herein.*”



11. On October 30, 2021 at 9:36 a.m., Respondent Oxendine sent an email stating, “I request a 24-hour extension to my response. I left town yesterday at noon and will return on Monday morning. There are issues related to the document. I am not aware of the contents of a petition to the Administrative Court by Mr. Welford Clark. I was informed of his action subsequent to his submission. I can only address parts of this document that apply to me. Since I am out of town and already had previous comments on Saturday afternoon and Sunday morning, I will not be able to submit a response today. Accordingly, I request the 24-hour extension. Please advise. Thanks. Ron”
12. On October 30, 2021 at 12:01 p.m., the Court directed the following email message be sent to Respondent Oxendine, “Mr. Oxendine, The Court will grant you an extension until October 31, 2021 at 3:00 p.m., as to the deadline listed in para. 4. on page 3. as contained in the “ORDERED” section from the Order issued yesterday at 4:00 p.m. The court also would like to remind you that your brief *must be related to the assertions/matters contained in the “four corners” of the petition he filed in TAC-21-10-02.*”
13. The Court granted an extension to Respondent Oxendine to show him deference and give him more time to prepare his brief in order to “support[ing] the claims made in his Administrative Court filing TAC-21-10-02.”
14. On October 31, 2021 at 1:01 p.m., the Court directed the following email message be sent to Respondent Oxendine, “Mr. Oxendine, “Four corners” refers to the assertions contained within the petition document itself. In simple terms, the Court is telling you that *you must limit your brief arguments to what you’ve raised in the petition you submitted to the Administrative Court.*”
15. In response to the Court granting Respondent Oxendine the opportunity to submit a brief in support of his Motion for Reconsideration, he submitted a five (5) page document titled, “RON OXENDINE’S RESPONSE TO OCTOBER 29, 2021 (4:00 PM.) ORDER.
16. The Court has determined that Respondent Oxendine’s “brief” was non-responsive to the directions of the Court. Respondent Oxendine’s submission has been considered by the Court and it has concluded this is an attempt to “reargue” matters already settled by the Court. In addition, and most disturbing, it includes *factual misstatements* and *material misrepresentations* to this tribunal.

- a. The Court specifically finds that Respondent Oxendine claimed in his Administrative Court filing TAC-21-10-02 petition that, "...used my personal information obtained in execution of their duties that is not available to the Public." Respondent Oxendine did not further explain or support, in any way, his assertion of personal information being somehow obtained through or by some inappropriate manner. And, *he provided absolutely no proof or argument* that the "deed of trust" provided at the hearing on October 14, 2021 was somehow not in the public domain. Instead, he seeks to argue that "Locklear failed to provide copies...prior to or during the hearing." He seeks to argue the deed of trust "mostly contains 'boilerplate' terms" among other things. The Court is not persuaded by these arguments given the length of testimony by Respondent Oxendine at the hearing related to the "deed of trust."
- b. Respondent Oxendine argues to this Court that the "deed of trust" is "improper evidence" because he did not receive a "cop[y]...prior to...the hearing." The Court finds that to be an interesting argument because the Court is aware that Respondent did not provide his "evidence" to the Petitioner prior to the hearing. Yet now, he expects this Court to determine the deed of trust was "improper evidence." He asserts, "[t]he Supreme Court Order should be vacated due to its reliance on improper evidence." We will not do so.
- c. Respondent Oxendine argues, under a heading of "[d]enial of [f]air [h]earing" that "Judge Malcolm, acting as Chief Judge, refused to accept a paper copy of the Motion to Disqualify or to let it be distributed to the other members of the Court." *What Respondent is not acknowledging* is that all the parties to this action received an Order from the Court on October 9, 2021, at 5:30 p.m. ET (LTNC SC\_David Locklear v. Ron Oxendine 2021- 001\_Prehearing ORDER\_10092021 1730 signed). This Order *included the following ORDER from the Court*: "The release of all submissions received by the Court from the Petitioner, Respondent, and Intervenor[s]-Respondent[s], which are attached to this Order." "The Court *shall allow briefs to be submitted/filed no later than Monday, October 11, 2021 at 10:00 p.m. ET*. Any brief shall be in Times New Roman, 12 font, 1 inch margins, not exceeding 8 pages including any attachments as a single PDF document. Submissions are to be made via email to Matt Roller at [mroller@lumbeetribes.com](mailto:mroller@lumbeetribes.com)."

- d. Respondent Oxendine *did not submit a brief as directed by the Court* in its Order of October 9, 2021. Instead, Respondent's Counsel, Walt Tippet, acting contrary to the Court's directive[s] showed up at the hearing and sought to submit his "brief." All the other parties followed the directions of this Court and submitted their briefs in a timely manner, consistent with the Court's scheduling Order. Nevertheless, the Court had predetermined that all parties were going to be held to the same standard. Accordingly, Respondent Oxendine was not allowed to submit his written brief late.
- e. To be clear, this Court and all four (4) of its members, were offended and taken aback by Respondent Oxendine's assertions that somehow, he was not allowed to present his concerns to the tribunal concerning the Chief Justice or any other members when in fact Respondent Oxendine had failed to meet a Court proscribed written deadline. *This lack of candor in filings with this Court* does not position other arguments/assertions in a favorable light. *This Court hereby, as a MATTER OF LAW, has determined that Respondent Oxendine has been disingenuous in this regard.* Furthermore, the false assertions by Respondent Oxendine in Court filings affect the foundational bedrock of the Constitution of the Lumbee Tribe of North Carolina. Nevertheless, and as captured on the video of the hearing, Respondent's Counsel was allowed to "read" his brief into the record at the beginning of the hearing. The Court allowed such to provide Respondent Oxendine the greatest latitude possible to sustain his assertions.

17. The Court hereby declares, as a MATTER OF LAW, that the Court remains Constitutionally empaneled if it has less than five (5) appointed members or less than five (5) appointed members sitting for a matter before them. To allow otherwise would invite the Tribal Council or the Tribal Chairman to believe it possible to manipulate the ability of the Court to carry out its constitutional responsibilities by failing to confirm or nominate justices.
18. The Court has considered the other issues and matters asserted by Respondent Oxendine. The Court determines these are without merit and not worthy of additional written response from this Court because they are matters that have already been fully considered, argued, and adjudicated.

19. The Court hereby declares, as a MATTER OF LAW, the Administrative Court acted inconsistent with its Constitutional authority as cited in the October 29, 2021 Order of the Court, as follows.
- a. On October 29, 2021, the Administrative Court was ordered to, “*not schedule or hold any hearing or consider any petition by the Respondent Ron Oxendine, TAC-21-10-03*” Petitioner Clark or any other petitioner, requesting any ruling of the Supreme Court to be reversed, amended, or obstructed.”
  - b. On October 31, 2021, the Administrative Court issued a “dismissal of petition(s)” document, signed by four (4) members. That document stated, among other things, that “the Administrative Court...does hereby acknowledge its lack of authority to hear either...petition.” It went on to state, “this court possessing no Constitutional authority to hear the matters therein.” The Court finds that these two (2) statements by the Administrative Court did comply with the Order of this Court.
  - c. Regrettably for the Administrative Court, our Constitution, and our Tribe in general, the Administrative Court included five (5) bulleted paragraphs and another paragraph which exceeded its Constitutional authority and the Court’s Order. In doing so, *they compromised their credibility* as a judicial body.
  - d. The Administrative Court’s comments suggest that its majority: (i.) seemingly did not listen to the 12+ (twelve) hour hearing held by the Court on October 14, 2021; (ii.) did not thoroughly review the 200+ (two hundred) pages of evidentiary documents; and, (iii.) does not adequately understand the verbiage contained in the applicable ordinance(s), based on its comment that, “the legitimacy of the Supreme Court to qualify a complaint coming into an ongoing election so far into the process.”
  - e. The Administrative Court stated it was, “threaten[ed] [this court] into compliance” through a “host of emails sent by the Supreme Court.” The Court learned on the morning of October 29, 2021, that the Administrative Court had taken steps to secure meeting space for the purpose of a hearing in facilities controlled by the Tribe, which suggested to the Court that the Administrative Court believed it had jurisdiction to hear the matter(s). Thereafter, at 4:00 p.m., the Court issued an Order (LTNC SC\_David Locklear v. Ron Oxendine 2021-01\_ORDER\_TAC. 21.10.02 \_TAC.21.10.03\_2110292021 1600 FINAL) dismissing the Administrative Court

petition filed by Oxendine, which instructed the Administrative Court to, “*not schedule or hold any hearing or consider any petition by the Respondent Ron Oxendine, TAC-21-10-03.*” After issuing the Order, only two (2) emails were sent by the Court, those were (i.) on October 29, 2021 at 8:02 p.m. the following email was sent to the Administrative Court’s liaison: “The Supreme Court did not receive any notice or any type correspondence from the Administrative Court this afternoon, unless I missed such. Could you please let Mr. Deese and his colleagues know the Supreme Court would expect to receive formal acknowledgement of the Order entered by the Court at 4:00 p.m. (1600) this afternoon and written verification that they intend to comply. Thank you.” And (ii.), on October 30, 2021 at 11:50 a.m. the following email was sent to the Administrative Court’s liaison: “Okay. Did you and the Admin. Court receive the Court’s order yesterday afternoon?”

f. The Administrative Court’s statement, “[i]n the Supreme Court’s amendment....”

This statement suggests the Administrative Court has a fundamental misunderstanding of this Court’s Constitutional authority. Moreover, it demonstrates a lack of respect for the Rule of Law as it relates to decisions of the Court.

g. However, the most alarming of all the statements made by the Administrative Court is, “we must acknowledge that in our opinions injustices have occurred that could have been prevented with the simple process of allowing the Lumbee people to be the procurers of justice.” This alarming statement *demonstrates a fundamental lack of understanding of how a constitutional government does function.* If this government and Court were to adopt this form of judicial review, then we would not need a constitution at all. Under the Tribe’s system of government, the Constitution is the bedrock from which the Rule of Law emanates. The Administrative Court is suggesting that our Constitution is just some disposable utensil easily thrown out with the dishwasher when folks don’t like the outcome of a constitutional analysis. The Court rejects this idea.

20. This Court hereby issues a “public rebuke” of the majority of the Administrative Court that issued the document/opinion, not founded upon law, described above. Its members should reconsider whether they are committed to respecting the Rule of Law of our Tribe and whether their allegiance to the Constitution remains unaffected.

21. *This Tribe's ability and right to self-governance is only guaranteed when we govern subject to the will of the Lumbee people, as expressed in the Constitution and not in the ever-changing winds of momentary pursuits. Rest assured, this Court will continue with its ultimate responsibility of being guardians of our Constitution and the Lumbee people in general. When matters come before this Court, we will not stand idly by and allow those willing to put themselves above the Tribe and its fundamental principles, which are grounded in our Constitution and our Rule of Law.*

**IT IS THEREFORE ORDERED:**

1. This matter is hereby **DISMISSED with prejudice.**

Per the unanimous decision and on behalf of the Court in Conference.

Signed this the 8<sup>th</sup> day of November, 2021 at 4:00 p.m.

original signed  
Mark Brooks, Justice

original signed  
Mary Beth Locklear, Justice

original signed  
Joshua D. Malcolm, Chief Justice

original signed  
Everette Moore, Justice