

2026 SEP -1 AM 10:42

The Cherokee Supreme Court

Eastern Band of Cherokee Indians
Qualla Boundary, Cherokee, North Carolina

CODY LONG,	)	
PETITIONER,	)	
	)	
V.	)	CSC 26-01
	)	
EASTERN BAND OF CHEROKEE INDIANS,	)	
ET. AL.	)	
RESPONDENTS.	)	
_____	)	

On January 27, 2026, Petitioner filed a Petition for Writ of Certiorari, seeking review of the trial court's December 31, 2025, order. The matter was heard in the Cherokee Supreme Court on July 16, 2026.

Singleton Schreiber, LLP, by Robert O. Saunooke, for Petitioner.

Van Winkle, Buck, Wall, Starnes and Davis, P.A. by Jonathan H. Dunlap and Dale A. Curriden, for Respondents.

PER CURIAM.

The question presented by Petitioner's Petition for Writ of Certiorari is whether Judge Sharon T. Barrett has lawful authority to preside over proceedings in the Cherokee Courts. This question has been answered in our prior opinions, *Carey v. Woodall*, *Long v. Eastern Band of Cherokee Indians*, and *In re A.L.* We hold that Judge Barrett has lawful authority to preside over matters in the Cherokee Courts by nature of her appointment as a temporary judge.

I. Factual Background and Procedural History

For a more comprehensive procedural history of this matter, refer to our June 30, 2026, opinion. It is sufficient to note for purposes of this opinion that Petitioner filed a Petition for Writ of Certiorari (“PWC”) with this Court on January 27, 2026, seeking review of the trial court’s December 31, 2025, order denying Petitioner’s motion to remove and recuse Judge Barrett. On February 9, 2026, this Court entered an order allowing Petitioner’s PWC, with the matter scheduled for hearing on April 13, 2026.

On March 20, 2026, Chief Justice Letts entered an order appointing Justice Jerry F. Waddell and Associate Justice Robert C. Hunter to consider the PWC. On March 23, 2023, however, Petitioner filed an “Objection to Judicial Panel and Motion to Remove and Exclude,” arguing that Justice Waddell was barred from considering the Writ pursuant to Cherokee Code Section 7-15.¹ This Court heard oral arguments pursuant to that motion on April 15, 2026, and issued an opinion on June 30, 2026, holding that Justice Waddell could consider Petitioner’s January 27, 2026, PWC.² The Court heard final oral arguments in this matter on July 16, 2026.

¹ Cherokee Code § 7-15 provides that, “[a]ny Justice or Judge with a direct personal or financial interest in the outcome of any matter shall recuse himself or herself, and failure to recuse shall constitute grounds for impeachment and removal from office.” C.C. § 7-15. Specifically, Plaintiff argued that because Justice Waddell was appointed to a similar, temporary, judgeship, his consideration of the question as it pertained to Judge Barrett raised a conflict of interest under C.C. § 7-15.

² Justice Waddell did not participate in the April 15 hearing, nor in the June 30, decision.

II. Discussion

In a trio of recent cases, beginning with *Carey v. Woodall*, this Court has unequivocally held that Judge Barrett’s appointment has not expired, because “nowhere in Chapter 7 does Tribal Council set a term limit for temporary justices and judges[,]” and “[a]ny limitation of temporary appointments is for Tribal Council to establish, not for this Court to impose.” *Carey v. Woodall*, ___ Am. Tribal L. ___, 2026 WL 824344, at * 17 (Eastern Cherokee S. Ct. 2026). In *Long*, we held that “[t]emporary judge and justiceships remain in effect until or unless Tribal Council legislates otherwise[,]” *Long v. Eastern Band of Cherokee Indians*, ___ Am. Tribal L. ___, (Eastern Cherokee S. Ct. 2026), and finally, in *In re A.L.*, we observed that “[a]fter many challenges to the lawfulness and validity of the temporary judges and justices presiding over litigation in the Cherokee Courts,” that, “for the final time on this issue, that these appointments remain lawful and valid.” *A.L.*, ___ Am. Tribal L. ___ (Eastern Cherokee S. Ct. 2026).³

It is so ordered.

³ The Court notes that, in his March 9, 2026, brief, Petitioner argued that the 2022 amendments to Chapter Seven of the Cherokee Code were improperly adopted. Specifically, that two-thirds of Tribal Council did not vote to ratify Ordinance 186 in 2021. No further argument was raised on this issue at oral argument, and the Court declines to address the argument because it is not applicable in this matter. Judge Barrett was appointed prior to these challenged amendments to Chapter Seven of the Cherokee Code, under the then-existing appointment process where, as Petitioner notes, “there was no requirement for a public hearing and the Chief could simply nominate and the Tribal Council confirm.”

LONG V. EASTERN BAND OF CHEROKEE INDIANS

This the 1st day of September, 2026.

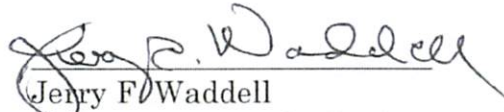


Bradley B. Letts
Chief Justice



Robert Hunter (Sep 1, 2026 10:37:08 EDT)

Robert C. Hunter
Associate Justice



Jerry F. Waddell
Associate Justice by Designation