

The Tribe failed to prove its case

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through his work and was unaware of his effort to correct the proofs. Michael Cherry was not cited in the incident.

In September, she lost her reelection bid. The Cherrys said at the time, they believed the complaint and social media allegations were tactics to undermine her campaign.

According to evidence presented at trial, Cherry had spent “less than six minutes” working out the issue before discarding the proof. The flyers and banners actually used in the campaign were printed by professional vendors, with receipts presented in evidence.

Shortly after he did that work, however, allegations surfaced on an anonymously run Facebook page that Cherry had used the computers at the casino to print out his wife’s campaign materials, followed by an anonymous complaint to the Tribal police, who followed up with an investigation and later a citation.

The police report didn’t specify if it was a casino or Tribal employee who initially reported the matter, but it was later stated at a Wednesday, Aug. 21, Tribal Council meeting that a Tribal Council member had been

the one to initially contact police.

The Tribe accused Cherry of having violated the ordinance by soliciting and distributing campaign materials. Prosecutor and Tribal Senior Staff Attorney Brooks Wakeland argued that Cherry should not have used a vendor that he knew of because of his marketing job with the casino, saying that was a use of Tribal resources. Cherry testified that it would have been “almost impossible” to try to find a vendor he had not become familiar with through his job.

Wakeland also argued that it didn’t matter how little time Cherry had spent on the project.

Tribal Police Cpl. Tokata Tehama testified for the prosecution.

Tehama testified that a manager for the casino, who did not testify or attend the trial, had provided him with a copy of a file Cherry had deleted from his computer, and a video showing Cherry’s desktop and the actions Cherry had taken in sending his proof to the printer three times. The file, Tehama said, “contained campaign signs he had designed going back to 2020.”

Tehama said he believed that Cherry’s actions constituted both solicitation and distribution, telling Brattain that he meant “reaching

out to One Day Signs and working on, designing and editing on work time.” Further, Tehama said, “If I print something, I’m going to use it. I can’t think of something I’d print and just toss.” He agreed, however, that other people might act differently.

Cherry said all design and editing work was done on his home computer, and that his communications with the vendors were done using his personal email.

“I would never have thought that reaching out to a vendor would be any kind of solicitation,” Cherry testified.

Brattain quizzed Tehama on the meaning of the words “solicit” and “distribute,” and called Tribal Police Chief Jake McKnight to the stand to testify that he had approved the citation, and had not provided training to his officers on the meaning of the words “solicit” and “distribute.”

Wakeland conceded that Cherry had not distributed the proof he had printed. However, he told Melendy, Cherry “did troubleshoot, he did reach out to solicit through a resource developed through work. ... he used Tribal resources – a vendor – and Tribal materials – a computer.” However, he failed to convince Melendy.

“I just can’t get there,” Melendy said. Cherry’s actions “may have been a substantial step,” he said, but the Tribe had failed to prove its case.

Cherry said he felt vindicated and hopes that his case will prevent others from enduring similar treatment.

“The entire ordeal – starting with an anonymous online smear campaign, immediately followed by a police investigation, a rushed employment decision and a public announcement by Tribal Council before I had even been formally notified – has been an alarming example of political interference and overreach,” Cherry said. “I was held to a different standard than others, and after 28 years of dedicated service to the Tribe and casino, it has been incredibly disheartening to see my reputation dragged through the mud over an issue that was exaggerated for political purposes.”

However, he noted that the ruling had given him “renewed hope,” in the justice system and “deep respect” for the Tribal Court.

“I hope that moving forward, others will be treated more fairly and that, as a community, we can set aside political divisions and focus on our shared values of respect, fairness and the well-being of our co-workers, friends and neighbors,” Cherry said. “As a lifelong community member with many Tribal family members and friends, my prayer is for the continued success of the casino and the Tribe in all its endeavors.”

If the Tribe decides to appeal the ruling, the case will go to the Tribal Appeals Court. ■



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