

Appeal to Judicial Court

Plaintiff

Scott Bowen, Speaker Pro Tempore of the Student Senate, on behalf of the Officers of the Senate

Defendant

The Texas A&M Student Government Association Judicial Court

Witness

The Plaintiff would like to call Chief Justice David Glasheen as his witness. His testimony is central to the case at hand and will be of great benefit to the Court in reaching a decision for this case.

Harm (Cause of Appeal)

The decision in Womack v. Bowen (2010) requires Student Senate to remove seven (7) senators from their seats and restart the vacancy process. This will do irreparable harm to the Senators removed, to the individuals denied seats in Senate, to the morale of Senate as a whole, to the reputation of the Student Government Association, and to the reputations of all individuals involved. The judicial process that led to this action, including but not limited to the actions of the Chief Justice, the appeal itself, the trial process, the writ seizing internal Senate documents, and the decision, was in flagrant violation of the rules set forth in the By-Laws of the Judicial Court (henceforth referred to as By-Laws) as will be demonstrated below.

Time, Location and Date of Violations

Multiple violations occurred; a timeline of violations can be found at the end of this appeal.

Background

At 10:30 PM on Wednesday, November 10, 2010, the Plaintiff was notified that he was a party named as defendant in a Judicial Court hearing. The appeal contained the name of the plaintiff, the harm, jurisdiction, a background which served as a list of charges, and a prayer to the Court to serve as mediator. According to Article I, Section I of the By-Laws, a valid appeal shall contain "the names of the plaintiff and the defendant and the time, location and date of the violation. It shall also contain the cause of the appeal and the names of any witnesses." Mr. Womack's appeal did not include the name of the defendant, the time, location and date of any violations, or the name of the witness eventually called, Academic Affairs Chair Chris Esparza.

That section of the By-Laws additionally states that "all plaintiffs, defendants and witnesses named in the appeal shall receive confirmation that the appeal has been filed. Without

confirmation, no appeal will be considered filed in the Court.” Again, no witness received confirmation of the appeal because no witness was named.

According to Article I, Section II of the By-Laws, “The plaintiff and defendant shall have the right to be represented by counsel of their own choosing, to present witnesses and documentary evidence as may be pertinent and to cross-examine witnesses offered by the other party.” Neither party was allowed to cross-examine the witnesses for the other side.

That section of the By-Laws additionally states that “both the plaintiff and defendant will have the option of taking the counsel provided by the Judicial Advocate General.” (hereinafter referred to as JAG). No JAG was provided for this case. The defendant was given the contact information of two people who could serve as Judicial Advocates, but one was not able and the other did not respond.

Article I, Section VI states that “the defendant and plaintiff shall identify their attorneys or representatives to the Court before each hearing begins. No individuals other than those designated representatives shall be allowed to argue the case during the course of the hearing.” While the defendant and plaintiff chose to represent themselves, neither expressly identified himself as any kind of designated representative. Thus, neither should have been allowed to argue before the Court.

Article II, Section V states that “the majority opinion must bear the signature of each Justice voting in the majority.” The decision issued to the Plaintiff of this case was not signed.

A writ of injunction was allegedly passed by the Judicial Court preventing the destruction of the questioned vacancy applications and taking them into the custody of the Court. Those documents were internal Senate documents left in the care of the main advisor of the Student Government Association, Amy Loyd. The documents were surreptitiously removed from her office by a member of the Court and taken into Court custody without anyone in Student Senate being informed. Additionally, those documents were not made available to the Plaintiff of this case until the day before the hearing. The documents were also illegally made available to Mr. Womack, even though they contained sensitive information including the names of other applicants, UINs, phone numbers and email addresses.

According to Article III, Section I (b) of the By-Laws, “a signed, written and witnessed statement shall be required from at least three (3) Justices to authorize an injunction in cases pertaining to legislative, constitutional or any other matters.” The writ that was passed to seize the documents could not have been signed by any Justices, because it did not exist in any physical form.

The nonexistence of the JAG is addressed in Article VIII, Section I of the By-Laws: “The Vice Chief Justice, Treasurer, Judicial Advocate General and Judicial Advocate officer positions shall be selected and appointed by the Chief Justice. The officer positions shall be appointed by the

Chief Justice prior to the start of the Fall Elections.” Fall elections took place weeks before this case, and none of these positions has been filled.

Damages

The Plaintiff requests the following equitable remedies to redress the harm caused by the Defendant:

That *Womack v. Bowen* (2010) be declared a mistrial and withdrawn by the Court;

That the applications illegally seized by the Court be returned to Student Senate, all additional copies destroyed, and all information and evidence gleaned from them be deemed inadmissible in future trials.

Timeline of Violations

October 13, 2010, 5:00 PM, Texas A&M University: end of fall elections. **At this point Judicial Court officers, including a JAG, were to be appointed and confirmed by the Court.** They were not.

November 8, 2010, afternoon: Plaintiff calls Chief Justice Glasheen to request the vacancy applications for an unrelated purpose and is informed that the documents are in the custody of the Court. **It was before this time that the documents were illegally seized.**

November 10, 2010, 10:30 PM, Gmail: Plaintiff received notification of appeal from Chief Justice Glasheen. **The violations noted in the first paragraphs of the “Background” section took place during the consideration of this application.**

November 11, 12:18 AM, Gmail: Plaintiff responded to Chief Justice Glasheen’s email with several questions, among them a question about the status of the applications. In his response, sent at 7:33 AM that same day, Chief Justice Glasheen stated that they were in court custody and that **a writ had been passed taking them into custody for the duration of the case.** He also offered to put the Plaintiff in touch with a Judicial Advocate (hereinafter referred to as “JA”) to aid in the preparation of his case. The Plaintiff responded at 7:22 PM that same day requesting a JA and requesting a copy of that writ. The Defendant responded at 7:48 PM without providing the writ and suggesting his first choice for a JA, Kyle Klansek.

November 11, 10:50 PM, Gmail: The Plaintiff sent an email to Kyle Klansek requesting his aid in preparing his case. In his response at 11:24 PM that same day, Mr. Klansek declined to participate in the case due to the short notice and other commitments he had already made. The Plaintiff forwarded his email to Chief Justice Glasheen at 11:40 PM; Chief Justice Glasheen responded at 9:10 AM the next day (Friday, November 12, 2010) with another suggested JA, Kaleisha Stuart. The Plaintiff emailed Ms. Stuart but never received a response.

November 13, 9:58 PM, Gmail: Chief Justice Glasheen offered himself to give the Plaintiff a hand but was unable to provide the same services a JA would be able to due to his status on the Court. **No JA was provided for the Plaintiff while he served as the defendant in that case.**

November 14, ~3:00 PM, Judicial Court Desk: The Plaintiff met with Chief Justice Glasheen to go over the case and review the seized documents. This was the first time the Plaintiff had been able to see the documents since they were seized over a week before. At this time, two copies were made of the applications in question, one for the use of the Plaintiff and one that was created for the Court's use. **This second set of copies later made its way into the hands of the plaintiff of that case.**

November 15, 7:45 PM, Koldus 155: The hearing for Womack v. Bowen began. **Neither Mr. Womack nor Speaker Pro Tempore Bowen was identified as a representative of either party before the start of the hearing.** Additionally, Academic Affairs Chair Chris Esparza was called as a witness for the plaintiff. **He was not mentioned in the original appeal, as is required by the By-Laws.**

November 15, 11:06 PM, Gmail: The decision for the case was issued to the Plaintiff. **This decision did not bear the signatures of the majority of Justices that voted for it.**

November 16, 8:59 AM, Text Messages: After being asked for the writ issued to seize the documents, Chief Justice Glasheen responds that the writ is on the Judicial Court Computer and **does not exist in any physical form.** Thus, the writ could not have been signed by three Justices.