



..... **Texas A&M Judicial Court**

Student Government Association

APPEAL PETITION

This Appeal may be submitted online via email to the Chief Justice: chiefjustice.tamu@gmail.com.

Please fill out the grey text boxes and check the appropriate boxes

Name of Appellant: Michael Murtha **Phone Number:** [REDACTED] **Email:** [REDACTED]

If you are someone filling out this form who is not the Appellant, please provide your name as well as your contact information here.

Name: Christopher Russo **Phone Number:** [REDACTED] **Email:** [REDACTED]

Please list the organization and/or person that you are filing this case against.

Name: Student Government Association Election Commission & Joseph Benigno **Phone Number:** [REDACTED] **Email:** tamuelection@gmail.com & [REDACTED]

Any student may request a Judicial Advocate at any point. Judicial Advocates are responsible for assisting those who ask for counsel for their hearings in front of the Judicial Court. Judicial Advocates serve at the discretion of their assigned party. They may provide advice and support throughout the appeals process as well as present arguments before the Court if needed.

As of now, would you like a Judicial Advocate to be assigned to you? Yes No

To get a better idea of the case at hand, please answer the following inquiries to the best of your abilities. If needed, you may attach extra pages in your email submission of this form. Although there is no minimum or maximum limit to the number of pages that you may submit, brevity is key. If available, please attach copies of any documents that you deem relevant that would help the Court determine whether or not to accept the case.

Facts

State the facts that are pertinent to your appeal. What occurred that prompted you to seek redress from the Court? Specificity is key. Give details on who, what, when, where, why, and how.

The plaintiff claims that the Election Commission neglected their duty to properly and fairly enforce the Texas A&M Student Government Association Election Regulations (Chapter 601 of the Student Government Association Code, henceforth to be referred to as the "Election Regulations").

On Wednesday, February 18, 2015, a video entitled "Go(Pro) with Joe" was uploaded by Chase Roberts, an agent of the campaign of Student Body President candidate Joseph Benigno

(<https://vimeo.com/120013149>). This video contains evidence of several violations of the Texas Transportation Code and evidence of Off-Campus Campaigning, which in turn are violations of Article VI, Section c., Subsection i.i.a. Major Offenses of the Election Regulations. Additionally, the video contains evidence of several violations of Article VI, Section c., Subsection i.ii.a. Minor Offenses of the Election Regulations.

Violations of the Texas Transportation Code (Major Violations) include:

- Sec. 544.010 Failure to Stop at a Stop Sign (0:05-0:06)
- Sec. 661.003.(a) Operating a Motorcycle without a helmet under the age of 21
- Sec. 545.416.(b) Transporting Passenger on Motorcycle not Equipped with Seat for a Passenger
- Sec. 545.302.(a)(2) Parking a Motorcycle on a Sidewalk (0:28-0:30)
- Sec. 545.422.(a) Driving a Motorcycle on a Sidewalk (1:30-1:47)
- Sec. 545.055(b) Driving on left side of the roadway in a no-passing zone (2:08-2:10)

Violations of Texas A&M Transportation Services Parking Rules & Regulations(<http://transport.tamu.edu/Parking/regulations.aspx>) include:

- Parking Moped in a Non-Designated Area (1:05-1:06)

Violations of the Election Regulations include:

- Article V, Section b., Subsection iii. Display of Campaign Materials Off-Campus – 3 instances
- Article V, Section b, Subsection xiii. More than 4 people campaigning in one place – 2 instances

On Thursday, February 19, 2015, the Election Commission fined Student Body President candidate Isaiah Tsau for two major violations for "Campaigning in Off-Limit Areas," totaling \$500 in fines. Due to this precedent set by the Election Commission, any violations for Off-Campus Campaigning should be considered Major Violations.

On Thursday, February 19, 2015, all of the aforementioned violations were submitted to the Election Commission between the hours of 11:30am and 6:00pm Central Standard Time by Texas A&M Students Carlos Sonka, Aubre Dean, Austin Springer, Aaron Mitchell, Austin Henderson, Fernando Sosa, Lauren Felder, Zach Carlson, Katrina Lack and Chris Woolsey. Of these reported violations, fines were issued only for the two instances of violations of Article V, Section b., Subsection xiii. At the date of this appeal, no written explanation has been given as to why no fines were issued for the other Major and Minor Violations.

Constitutional/Statutory Citations

Please tell the Court specifically what passages, if any, in the Student Government Constitution, by-laws,

or Senate legislation, have been violated. In addition, if any of the aforementioned documents bolster your case in any way, please list those passages as well.

Texas A&M Student Government Association Election Regulations (Chapter 601 of the Student Government Association Code), with particular attention given to the following passages:

- Article V, Section b., Subsection iii. Display of Campaign Materials Off-Campus
"iii. Off-campus campaigning shall be prohibited. No campaign materials shall be distributed, posted, or held off campus."
- Article V, Section b., Subsection xiii. More than 4 people campaigning in one place
"xiii. Only four (4) people working for one candidate or any mutually supportive group of candidates may campaign in one place at a time. This does not include the candidate or group of candidates themselves."
- Article VI, Section c., Subsection i.i.a. Major Offenses
"a. Major offenses. Major violations include, but are not limited to: offenses against local, state or federal law to any degree; sabotage of opposing campaigns; voting fraud, falsified documents (including finance reports); withheld finance reports and ethics/Honor Code violations."
- Article VI, Section c., Subsection i.ii.a. Minor Offenses
"a. Minor offenses. Minor violations include, but are not limited to: pre-campaigning, finance violations, and offenses not included within the major violations criteria as determined by the Election Commission and these regulations."

Special Circumstances (If Applicable)

Are there any special considerations that the Court should take into account? Does this case need to be heard in a specific time frame? Should the Court act by writing an injunction? Please explain.

The plaintiff requests injunctive relief, specifically that the Chief Justice refrain from certifying the Spring 2015 Student Body President election results until this case is resolved.

Additionally, the plaintiff requests Clayton Cromer as Judicial Advocate.

Relief That You Are Seeking

What would you like the Court to do to rectify the harm that you have faced in your appeal?

The plaintiff seeks that Student Body President candidate Joseph Benigno be fined in the appropriate amount for each violation cited in the Facts section above, and that these fines should be applied to his total campaign budget.

Certification Statement, Rights, & Signature

I hereby certify to the best of my knowledge, that all statements and documents contained herein and attached are true, and correct. I acknowledge that the submission of false documents and/or statements is a violation of the Aggie Honor Code.

- *I understand that if I have not received a decision within five (5) working days, it is my responsibility to check with the Judicial Court.*
- *I understand that I will receive the decision on this appeal by means of the contact information I provided in this form. If I wish to get a signed copy, I must contact the Judicial Court.*
- *I understand that by submitting this electronically, that constitutes an electronic signature on behalf of the person who submitted it.*

Signature:Christopher Russo Date:2/22/15

If you have any inquiries, please contact Chief Justice Brenton Cooper: chiefjustice.tamu@gmail.com