



JUDICIAL COUNCIL *of* ASUCR

University of California, Riverside

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W17-C-02

Majority Opinion Regarding "Senate Majority Opinion" Letter

Decided April 12, 2017

JUSTICE THIELHART delivered the opinion of the court:

The ASUCR Judicial Council has decided to assign strikes to CHASS Senators Jose Cortez Hernandez, Semi Cole, Jonathan Javier, and Ariel Chen, CNAS Senators Carisha Moore and Jonathan Li, and BCOE Senator Arneil Liban.

On Saturday March 11th, 2017 Senator Cole sent an email to the Chancellor, Vice-Chancellor of Student Affairs, and Campus Media titled "Letter from Senate regarding Judicial Breach of Power". The letter begins by stating:

The ASUCR Senate co-signed below does not be accept nor acknowledge the Judicial Council's recent Majority Opinion - W17-JR-05 due to its encroachment of the powers of the Legislative and Executive branches, its failure to follow the due process of the Judicial Rules of Procedures, and the undermining of the systems of separations of powers and checks and balances between the 3 branches.

The author of the letter asserts that they are writing the letter on behalf of the ASUCR Senate and ironically claims that this letter is in defense of the Separation of Powers clause of the ASUCR Constitution and is an attempt to protect the three branch system. The letter is an attempt to undermine the power and authority of the ASUCR Judicial Council. Any decision made by the ASUCR Judicial Council can be appealed, no one prior to or since the letter was authored has attempted to file an appeal regarding Majority Opinion W17-JR-05. Because the letter states that the ASUCR Senate refuses to accept nor acknowledge the Judicial Order it clearly shows that the Senators who signed the letter are in violation of both the Separation of Powers Clause of the Constitution.

Because the letter is an egregious attempt to undermine the authority of the ASUCR Judicial Council's Power and demonstrates a clear and present threat to the authority and power of the ASUCR Judicial

Council. Additionally, the letter also shows an attempt by those who signed the letter have UCR's Administration become involved in ASUCR's internal matters. The Judicial Council considers these issues to be of such serious nature that two (2) strikes were issued to each Senator who had signed the letter and did not later disavow their signatures.

President Pro Tempore disavowed the letter on March 29th and has made efforts to distance himself from the letter. Because of this the Judicial Council decided to levy only one (1) strike to Pro Tempore Li.

Trials were held regarding the letter held on April 4th, 2017, Senators Cortez-Hernandez, Moore, and Liban were present to defend themselves.

During Senator Cortez-Hernandez's defense he claimed that he did not know who the author was, nobody encouraged him to sign the letter, and that he just found the letter and signed onto it without reading the full document. Senator Cortez- Hernandez also made claims that he did NOT tell or encourage any other member of the ASUCR to sign the letter. The Judicial Council finds this testimony to be outrageous and more than likely false and if they are true they show that Senator Cortez-Hernandez is either grossly incompetent or negligent. Senator Cortez-Hernandez's testimony was later contradicted on April 11th by Senator Cole's Testimony which will be discussed later in the opinion.

Because the Judicial Council believes that Senator Cortez-Hernandez lied to the ASUCR Judicial Council during his testimony he was assigned an additional strike.

During Senator Liban's defense he made similar claims to what Senator Cortez-Hernandez claimed. That he did not know who authored the letter, nobody told him to sign the letter, and that he found the letter and signed onto the letter without reading the entire document. The Judicial Council believes the testimony that Senator Liban's gave is false.

Because the Judicial Council believes that Senator Liban lied to the ASUCR Judicial Council during his testimony he was assigned an additional strike.

Senator Moore's defense claimed that while she did not know who authored the letter, somebody did tell her about the letter and it may have been Senator Cortez-Hernandez, but she was not entirely certain. Senator Moore throughout her testimony made very few statements that were either in the affirmative or negative and instead stated that she could not remember for most questions.

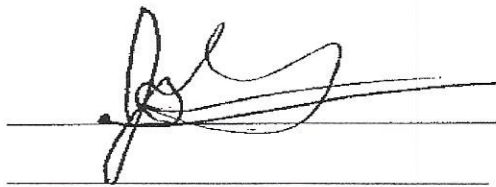
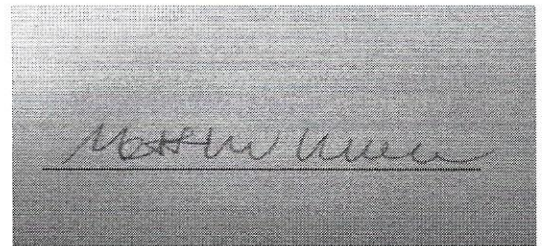
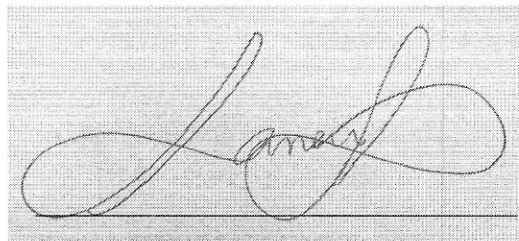
Because Senator Moore did not attempt to answer questions posed by the Judicial Council with preposterous response or lie she was assigned no additional strikes by the ASUCR Judicial Council.

Senator Cole's trial was postponed until Wednesday April 12th. Senator Cole during his defense reaffirmed his belief in the letter. During questioning by the ASUCR Judicial Council Senator Cole did not know who wrote the letter, but stated that he was told to sign onto the letter and given the letter by

Senator Cortez-Hernandez on a USB Flash Drive. Senator Cole's testimony contradicted Senator Cortez Hernandez's earlier testimony and paints a much more realistic and believable story.

The Judicial Council does not believe that Senator Cole was truthful in his testimony, in his testimony he made claims that any interpretation of the letter as speaking on behalf or for the Senate were incorrect. That the portions of the letter and email that claimed to speak on behalf of the entire Senate were instead grammatical mistakes. Due to the frequency that these alleged grammar mistakes occur, the Judicial Council does not believe these were mistakes, and instead believe that this allegation is an attempt to alter the meaning of the letter after it was sent out. Because Judicial does not believe that Senator Cole was honest in his testimony he was issued an additional strike.

Senator Cole's testimony also sheds light on Senator Cortez-Hernandez role as a ring leader in the group of Senators who signed the letter. Senator Jose Cortez-Hernandez actively sought out signatures and possessed a copy of the letter on his person. Because of Senator Cortez-Hernandez's role as a leader in getting the letter signed and published, he was issued an additional strike.

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