

## **Duties/Powers of the Supreme Court**

- (400.1) execute subpoena power over SGA members affected by judicial jurisdiction
- (203.1, 300.2, 301.1) preside over hearings should a member of Executive Cabinet, Executive Staff, Senate, or Freshman Board incur two unexcused absences from a mandatory event/meeting or fail to uphold his/her oath of office
- (304.4C, 400.2) ensure constitutional adherence of legislation
- (400.4) exercise exclusive appellate jurisdiction over sanctions delivered by Elections Committee
- (400.5) establish internal rules or practice and procedure

## **Judicial Procedure (Pre-Trial)**

1. (401.1a) Attorney General or Petition of five Senators presents a case
2. (401.1b) Accused is notified of charges at least one week before hearing, barring extraordinary circumstances as determined by the Chief Justice
3. (401.1c) All evidence is presented to all parties at least three days before hearing, unless a late submission is approved by the Chief Justice

\*Note: The accused is presumed innocent until proven guilty. The Attorney General bears the burden of proof.

## **Judicial Procedure (Trial)**

1. Attorney General makes an opening statement
2. Defendant makes an opening statement
3. Attorney General presents evidence and witnesses
4. Defendant may counter and cross-examine any witness
5. Defendant presents evidence and witnesses
6. Attorney General may counter and cross-examine any witness
7. Attorney General makes a closing statement and recommendation for adjudication
8. Defendant makes a closing statement and may offer any recommendations to the Court
9. Justices may question either party until they leave for deliberation

**Opening statement:** 3-5 minute speech that presents background/context to the hearing, brief summaries of any information to be presented through evidence and witnesses, and the argument your party will present

**Evidence:** Can include but is not limited to email threads, messages, attendance tracker, etc.; do not have to conform to the Federal Rules of Evidence

**Witness:** Someone who can offer evidence to bolster your party's argument; can include but is not limited to personal friends, fellow SGA members, etc.

**Closing statement:** 3-5 minute speech that summarizes the evidence and witnesses presented throughout the hearing, major arguments, and future steps to be taken

### **Judicial Procedure (Deliberation/Decision)**

- (401.3b) sequestered environment with only the Justices present
- (401.3c) majority vote required to find guilt
- (401.3d-401.3g) can penalize the accused if guilty and explain decision in a majority opinion; concurring or dissenting opinions may accompany the majority opinion
- (401.4) potential penalties include written reprimand, service hours, probation, suspension, expulsion, or other recommendations as approved by the President
- (401.5) binding decision

### **Appellate Procedure (Pre-Trial)**

1. (711.7a) Within 24 hours of Elections Committee's release of its decision, the subject(s) of the initial hearing can appeal the decision to the Supreme Court IF they believe the Committee did not adhere to its guiding principles in making its decision.
2. When appealing, the appellant must indicate the sections of the Elections Code, Statutes, or Constitution they believe was violated by the Elections Committee.
3. (711.7d) The Supreme Court will contact all relevant parties within 36 hours of receiving the appeal to schedule a hearing.

### **Appellate Procedure (Trial)**

1. Allowed parties in an appeals hearing include the candidate appealing the decision and one additional representative, the Chair of the Elections Committee and one additional representative, and any witnesses called by either party.
2. Appellant makes an opening statement
3. Chair of Elections Committee makes an opening statement
4. Appellant presents any evidence or witnesses
5. Justices may ask clarifying questions
6. Elections Committee presents any evidence or witnesses
7. Justices may ask clarifying questions
8. Appellant makes closing statement
9. Elections Committee makes closing statement
10. Appellant may deliver rebuttal

11. Justices may question either party until they leave for deliberation

**Opening statement:** 3-5 minute speech that presents background/context to the hearing, brief summaries of any information to be presented through evidence and witnesses, and the argument your party will present

**Evidence:** Can include but is not limited to email threads, messages, Election Committee documents, etc.; do not have to conform to the Federal Rules of Evidence

**Witness:** Someone who can offer evidence to bolster your party's argument; can include but is not limited to campaign staff members, SGA members, Election Committee members, etc.

**Closing statement:** 3-5 minute speech that summarizes the evidence and witnesses presented throughout the hearing, major arguments, and future steps to be taken

### **Appellate Procedure (Deliberation/Decision)**

- (711.7f) Sequestered environment
- (711.7g) majority vote required to overturn Election Committee's sanction
- (711.7h-711.7k) can penalize the appellant even if it overturns the initial sanction and explain decision in a majority opinion; concurring or dissenting opinions may accompany the majority opinion
- (711.7l) binding decision