

NAEEM ABDULLAH, ET AL. VS. CHARLES HASTON, ET AL.

No. 2014-002

UNIVERSITY OF HOUSTON STUDENT GOVERNMENT ASSOCIATION COURT OF APPEALS

March 21, 2014, Submitted

March 26, 2014, Request for Writ of Certiorari Denied

Please be advised that the University of Houston Student Government Court of Appeals denies your request for writ of certiorari. On the first charge of violations against University Code of Conduct Section 3.17 subsections (a), (b), and (e) the court is disinclined to agree with the plaintiffs. This charge lacks merit on grounds that Mr. Haston's actions were not premeditated; the case of purpose is unsubstantiated. Since the incident only occurred once nor was possibility of bodily harm ever called into question, we see no reason the defendants, and by extension the election commission, would be able to claim their mental or physical well-being were jeopardized. On the charge of violations against University Code of Conduct 3.6, we find the allegation to be irrelevant to the case at hand and lacking merit. On the charge of violations against University Code of Conduct 3.11 the charge lacks merit on grounds that the defendant claimed no such emergency. On the charge of violations against University Code of Conduct 3.12 the charge lacks merits on the ground that this is irrelevant to the case and the Constitution of United States of America clearly prohibits double jeopardy.

With regards to all charges related to the Texas Penal Code Section 42.01 – Disorderly Conduct, subsections (a1), (a2), and (a4): it is imprudent and reckless to assume the University of Houston Student Government Association Court of Appeals has the understanding and ability to interpret Texas State Law. In any case a preponderance of the evidence must be considered to determine the guilt of any one individual. Unfortunately the UH SGA Court of Appeals does not have the prior knowledge of Texas State Law applicable. Any and all judicial precedence and interpretations of Texas Penal Code Section 42.01 are unknown and unavailable to us. It is for this reason we decline to hear the case against Haston. The University Of Houston Code Of Conduct states that jurisdiction in these matters lies with the Dean of Students (Policy 1.2). Only the Dean of Students and/or City of Houston can determine whether this matter was

indeed a violation of state law. Only once a determination has been made will the Court of Appeals rule with context to a Class A Violation in the University of Houston Student Government Association Election Rules and Regulations.

If it comes to fruition that an individual has broken state law by the applicable organizations, we invite you to re submit your appeal on these grounds. The statute of limitations is 90 class days from February 21, 2014. For the UH SGA Court of Appeals to hear a case on state law is asking the judicial branch to make a determination of guilt before an individual is able to exercise their legal rights. Title V, Article I, Section I, Clause 1 of the SGA Bylaws state: “The Court of Appeals Shall use all applicable law in making decisions...” We do not deem that The University of Houston Student Government Election Rules and Regulations trump the Texas State Constitution nor the Constitution of the United States of America and until such time that a determination has been made that a student of the University of Houston *has* broken state law by the *proper* authorities, we cannot in good conscience agree to a writ of certiorari on this complaint.

Additionally, we feel that charges 3.17(c), 3.5, and 3.32 may have merit and invite you to withdraw, amend, and submit your complaint to the University Of Houston Dean Of Students Office. In conclusion, sections 1.1, 1.2, and 1.5 of the Code of Conduct specify that only the Dean of Students has jurisdiction in these matters. Therefore, the SGA Court of Appeals denies your writ of certiorari.