

SANTTI v. SANTTI
01/30/2017

I. PRETRIAL MOTIONS

A. Plaintiff

1. None

B. Defendant

1. None

C. Remarks from Chief Justice Molina:

1. The way the court operates is a mimic of judicial system.
2. I will remind you you do have the due process of preventing self-incrimination. You have the ability at anytime to do so.

II. HEARING:

A. Trial Start Time at approximately 11:20 A.M.

B. Plaintiff's Opening Statement:

1. Time allotted: 10 minutes
2. Sashi Santi, Senate Speaker for SGA
3. The reason I wrote the writ to begin with is because I believe that I need to hold myself accountable for my actions
4. In fall semester, I didn't comply with one of the statues of SGA of completing 100 surveys by the end of the semester
5. I also need to hold other members accountable.
6. We did have questions created, but I dropped the ball on my end because I did not complete it or send it to the other members.

C. Petitioner Closing Statement

1. Time allotted: 10 minutes
2. I am not trying to say my dad's passing is any justification for me not doing my job. I do think, not saying it was a lapse in judgement, I did fail to hold my senators accountable. This is the reason i am here today. I won't let my senators falls for what i should have done in the beginning.
3. In the statutes, if we could reference to, section D sub sub-section 4. That's all that is in the statutes that mention the students.

D. Trial End Time at approximately 11:53 A.M.

TRIAL QUESTIONS AND ANSWERS

PLAINTIFF'S 1st WITNESS - (Santti):

DIRECT:

1. What is the statue you were in violation of? And how do you know this is something you need to be doing?

- a. Statute article III 3.05,.02: I am supposed to complete the 100 surveys and hold the senators accountable for that. I know I am accountable as Senate Speaker
2. At any point were you reminded this was something you needed to complete? And when?
 - a. Yes, it was briefly mentioned to me during the summer. Then sporadically in the Fall Semester. They asked if they were complete of is questions had been developed.
3. Who was in charge of following up with you on these questions?
 - a. Michelle Castro, student government advisor.
4. Was there any progress when you were asked about these questions?
 - a. First I mentioned it during the summer with an example of past questions which I sent to the senators. I was new to the position so i wasn't aware of the urgency of this trial. I mentioned it during senate meetings and some did send feedback.
5. Were you given a set of statutes in the beginning of your term? and is there a deadline set by those statutes?
 - a. Yes. It just mentions in the fall and the spring, but there is not timeline that says anything needs to be completed by a specific day
6. Referring to Π1 and Π2: do you mentioned both of the 17th and the 31st some sort of discussion about the surveys? Did you set a deadline?
 - a. Section 6 of Oct. 16, Section 4 of Oct. 31. That I can recall, no. It was more of like a this is what is going on send me an email or some follow up of the questions that you have been working on
7. You said you had to create the survey with your senators. When was the survey itself completed? When were all the questions compiled?
 - a. I was supposed to create the survey. November 22nd, with the help of Vice President.
8. You sent out the survey on the 22nd?
 - a. No I did not. It was submitted by my Pro Tempore Peter Hernandez. On december 5th we got feedback about different links for the survey which I believe you have it.
9. Who submitted the survey then?
 - a. My Pro Tempore Peter Hernandez.
10. When did you officially get the links for the survey?
 - a. December 5th
11. When were those links sent out?
 - a. It was sent out, if not mistaken, December 5th and the 6th between those two days.
12. What point was this in the semester?
 - a. Right before finals week.
13. How many of your senators completed their statutory responsibilities?

- a. None. They had received the link at that point.
14. By the end of finals week, how many of your senators got their 100?
- a. None. To my knowledge, none.
15. As of now how many of your senators have their 100?
- a. As of today, 25 grad surveys, 36 medical, 12 honors, 3 nursing, 9 engineering, 13 business, 21 arts and sciences, 7 carta.
16. So just to be clear you have 25 grad, 26 medical, 12 honors, 3 nursing, 9 engineering, 13 business, 21 arts and science, 7 carta. Any other colleges?
- a. Correct. No.
17. All of your senators represent how many colleges?
- a. 8.
18. Out of these 8, not a single one got this 100? And it's 100 per senator?
- a. Yes. No, 100 responses from the college they represent. At large, lower division do not have to be the senators for the college.
19. Is there only one senator for every college?
- a. Yes. So for example, to my knowledge i believe we have 2 senators but more than 2 students that are in senate that are in the college of business.
20. So each senator gets 100 responses from the college they represent?
- a. Yes.
21. Are there some colleges that are represented in your senate that have more than one senator assigned to it?
- a. Refer to #19
22. So not a single one of these colleges has 100 responses? So you can have as many as 8 people who didn't do their job to as many as you have in the senate?
- a. Yes. Yes.
23. I'm trying to see who this falls on. You said it falls on you. Why do you say that?
- a. I believe it falls on me because i am senate leadership. I do oversee the 20 something senators and my speaker. In my mind, I hold myself accountable for not reminding them on time, sending it out on time, making it on time.
24. Is there anyone else? Or is this just you?
- a. It's my speaker Pro Tempore too.
25. Why do you say that you guys share the blame?
- a. His job is to help me do my job, believe me of some things here of there. Could he have reminded me? Yes. I lost my father in the fall session and it did take a toll on me and i was going through all of that mentally, physically, emotionally. Could he have reminded me that before? Sure. But at the end of the day i feel it was my responsibility to hold everyone accountable.

26. You said you felt the loss of your father said it took from your ability to do you job?
- a. A little bit.
27. Do you say this might have attributed to the fact that you couldn't get your surveys done on time?
- a. I don't want to say that his passing is the reason I didn't do my job because you know things happen, life happens. But I do know that from that point forward, there were weeks that I just couldn't fully be there. This also took a toll on my classroom performance.
28. Do you have any more evidence you would like to present before your closing statement?
- a. In october is when i mentioned the surveys and before then i said it in passing. In oct. and nov. and july as well. In the summer it was brought up briefly by myself or my advisor. So i do have questions that senators did submit. So if some of them did complete it on time, why didn't i check it on time and stay on top of it.
29. So you're saying that your senators sent you questions before the survey was formed?
- a. Yes.
30. And that you still didn't get the survey done at that point?
- a. No.
31. Was your pro-temp notified of these emails? Did he know senators sent in questions?
- a. It was sent to me. Just me. One of them was sent to both, but they were sent to me.
32. Did you make him aware of the other questions that were sent to you?
- a. Through word of mouth, probably. I could've mentioned it. During our eboard meetings or when our advisors brought it up, he could have just followed up with me.
33. Anything else?
- a. No. Thank you, I appreciate you for your time.

III. DELIBERATION:

A. Deliberation Start Time: Wednesday February 1, 2017 9:00 P.M.

B. Vote Count on Verdict

1. Issues

- a) She failed in her duty to ensure that her senators followed article §3.05 D IV
- b) Whether the blame was entirely on the senate speaker or if part of the blame is on the senator pro tempore as well

2. Facts

- a) Sashi Santti is both a senator and senate speaker
- b) Peter hernandez is both a senator and senate speaker pro tempore
- c) The senate speaker is the chief administrative office of the senate
- d) The speaker pro tempore shall assist the speaker in his or her duties
- e) All senators are required to administer surveys every semester in which they must receive 100 responses exclusively from students within their college
- f) No senator met the statutory requirement to complete the survey in article §3.05 D IV
- g) Surveys were brought to her attention at various points throughout the summer and fall semester
- h) It was often time mentioned at executive board meetings where she and the speaker pro tempore were present
- i) She brought up the formation of surveys in a senate meeting
- j) She did not set a deadline for the formation of the surveys
- k) Senators submitted survey questions throughout the semester
- l) Some questions were submitted to both the speaker and pro tempore
- m) Survey links were received December 5th
- n) Survey links were sent out between December 5th and December 6th
- o) December 5th was the Monday of finals week for the Fall 2016 semester
- p) In September, Speaker Santti's experienced the loss of a close family member

3. Notes

- a) Writs of certiorari can be filed by any student against any SGA official

- b) Constitutions article 5 §3 E 1: says that any member of the student body can file a writ of certiorari against any SGA official
- c) Essentially, because she is a student she could write a writ against herself
- d) Under article 6 § 1A she has the right to refrain from providing self incriminating testimony
- e) We also know she waived her right to refrain from providing self incriminating testimony when she filed the writ and then once again when she testified in court despite having been reminded of her due process right
- f) We do find her responsible
- g) She had more than enough time
- h) Based on statutes we can see how the pro tempore may have had responsibility in assisting but the plaintiff failed to prove it
- i) She did attend all but 1 senate meeting
- j) They might have had the surveys done if the survey had been compiled and sent out weeks before finals
- k) By sending it out finals week they set themselves up to fail
- l) Removal of voting means if she doesn't get feedback of her own constituency you shouldn't be able to vote on things.
- m) As senate speaker who represents senate and various constituencies, why should be allowed to vote of anything

4. Verdict:

- a) 3/3: Remove voting privileges until her entire senate completes their Fall and Spring surveys

C. Deliberation End Time: 9:45 P.M.