

ASUC Judicial Council

Direct Judgment

Attorney General Upshaw v. DAAP

On this date, the Ninth of May, Two Thousand and Seven

By Chair Marisa Cuevas, with whom
Assistant Chair Kate Feng,
Senior Associate Justice Aurora Masum-Javed,
and Associate Justices Sikina Jinnah and Kristin Garcia join

In the case at hand, the Judicial Council was asked accept the plea agreement between Attorney General Rosezetta Upshaw and the defendants, the Defend Affirmative Action Party. The defendants were charged with:

“Engaging in any behavior that may be construed as active campaigning in the Residence Hall. This includes but is not limited to pressuring residents to vote for a certain candidate, party, proposition, initiative, or referendum.”¹

Because there was insufficient evidence in this case, the plaintiff has agreed that no censures should be given to the defendants. The agreement is attached to the end of this document. The Judicial Council has accepted this agreement and does not issue any censures to the defendants.

¹ Title IV, §12.3.13 “Engaging in any behavior that may be construed as active campaigning in the Residence Hall. This includes but is not limited to pressuring residents to vote for a certain candidate, party, proposition, initiative, or referendum.”

REQUEST for SETTLEMENT

May 9, 2007

Attorney General Rosezetta Upshaw v. Defend Affirmative Action Party

The Judicial Rules of Procedure state the following –

3.14.2. In the event the plaintiff and defendant come to an agreement regarding a remedy for a legal controversy, they may present it to the Council for judicial consideration and approval. Such presentation may take the form of briefs or a hearing, or any other forum the Council deems fit.

The charge sheet pursues three (3) censures against DAAP for a campaigning phone call and voice message that was received by a University of California, Berkeley residence hall dorm room phone at 6PM on Wednesday April 11, 2007. The charge rests upon the answering machine recording. The answering machine states the day and time of the message (Wednesday, 6PM) however, the answering machine does not provide proof of the exact date (April 11, 2007) of the message. Therefore the case must be dismissed due to insufficient evidence.

The plaintiff and the defendants agree and NO censures will be awarded to DAAP for this case.

Rosezetta Upshaw
2007 ASUC Attorney General
Plaintiff

Dimitri Garcia
2007 ASUC Elections DAAP Candidate
Defendant