

**SUPREME COURT OF STUDENT GOVERNMENT AT  
TEXAS STATE UNIVERSITY**

No. 01-09

**Syllabus**

Cody DeSalvo, Senator

v.

Matthew Smith, Senator

**ON APPLICATION FOR INJUNCTION**

Issued February 25, 2021

The Injunction Relief application was submitted by Mr. Cody DeSalvo, hereafter referred to as the Petitioner, upon an appeal of his expulsion from the Student Government Senate. In which the Petitioner alleged that his right to due process, specifically the right to having adequate defense, to speak against the allegations against him was violated when Mr. Matthew Smith hereafter referred to as the Respondent, made a motion to censure the Petitioner under the Senate Standing Rules and Regulations Article V, Section 6 during the Orders of the Day section of the Senate Agenda, in which the motion passed by the Constitutional voting threshold and clarified by the Petitioner through a point of information, censure prohibits the Petitioner from speaking during the meeting. The Petitioner filed an appeal of his expulsion from the Senate with the Supreme Court and is requesting temporary relief related to the appeal as follows:

1. The Court issue an injunction and enjoin any party from bringing into force and effect the resolution: "A Resolution of Expulsing of Cody DeSalvo.:"
2. The Court restore the Petitioner as Senator and Senate Parliamentarian with all the rights and responsibilities conferred to that office until the case is resolved.

3. That the Court orders a temporary delay in the Senate Parliamentary election until this case has been resolved.
4. The Court order a temporary delay for confirmation of any replacement in the seat vacated by the Petitioner's expulsion.

The Injunction Relief request was received by Chief Justice William Frank Cadoree and referred by him to the Supreme Court.

*Held:* The Court grants temporary relief by ordering a temporary enjoinder of any party from bringing into force and effect the resolution: "A Resolution of Expulsion of Cody DeSalvo." Restore the Petitioner as Senator and Senate Parliamentary with all the rights and responsibilities conferred to that office until the case is resolved. Orders a temporary delay of a Senate Parliamentary election in the Senate. Lastly, orders a temporary delay to confirm any replacement in the seat vacated by the Petitioner's expulsion.

### **Opinion**

Injunctions are instruments used by this Court to stop actions that may cause a person imminent or immediate harm in their dealings with Student Government.<sup>1</sup>

Consistent with this standard, several questions related to the Petitioner's Censure and the expulsion resolution were brought forward by the Justices. This Court finds actionable issues on each of these topics. These concerns all sufficiently meet or exceed what should reasonably be required for the issuance of an injunction.

In reviewing the requests for relief, the Court has determined that the request with the most significant potential harm to the organization and the Petitioner is all the requested

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<sup>1</sup> S.G.C. Title VII, Chapter 200, Article VII, Section 2(c)

temporary relief, especially if the Court finds in favor of the Petitioner.

Chief Justice FRANK CADOREE delivered the Majority Opinion of the Court in which Justices WOSNIG, GUILHAS, AND MALCOM joined.

### **Order**

The Court orders a temporary injunction and enjoin enforcement of any party from bringing into force and effect the resolution: "A Resolution of Expulsion of Cody DeSalvo." Restores the Petitioner as Senator and Senate Parliamentarian with all the rights and responsibilities conferred to that office until the case is resolved. Orders a temporary delay of a Senate Parliamentarian election in the Senate. Lastly, orders a temporary delay to confirm any replacement in the seat vacated by the Petitioner's expulsion.

This means no one in Student Government can enforce the "Resolution of Expulsion of Cody DeSalvo." As the Petitioner was removed from his Senate seat while also holding Senate Parliamentarian's office effectively with this injunction be temporary reinstated to both positions with all the rights and responsibilities that come with both positions until the Supreme Court resolves the case. Additionally, an election for Parliamentarian or nomination submissions cannot be placed on the Senate Agenda for March 1. Furthermore, a motion to add an election of the Senate Parliamentarian cannot be called or considered on March 1. Lastly, no legislation to confirm a nominee to the Senate that was left vacated by the Petitioner cannot be placed on the Senate Agenda for March 1. Nor can a motion be called or considered to add a nominee to the position that the Petitioner vacated on March 1.

*It is so ordered...*