

To be completed in triplicate

ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

To: Associated Students Judiciary

From: Ric Ojalba

Date: April 12, 1971

The undersigned requests a review of the rights and duties pursuant to:

complaints filed before A-S. Judiciary

Cause for request: can a complaint be amended
prior to hearing without the giving of prior notice.

Briefly explain the substance of your issue: IF additional
charges can be added to a complaint without
prior notice, this puts the defendant at an
unfair disadvantage as he does not have the
opportunity to PREPARE an answer.

The undersigned does hereby request a judgment on the preceding issue.

Signed Ric Ojalba

ASSOCIATED STUDENTS JUDICIARY
CALIFORNIA STATE COLLEGE
LONG BEACH

DECLARATORY JUDGEMENT

In this action brought by Ric Opalka, a judgement has been requested concerning adding charges to a formal complaint already under consideration by the Court.

The issue before the Court is whether or not a complaint can be amended prior to the hearing of an accepted case without the giving of prior notice.

California State College at Long Beach Associated Students Judiciary Rules of Procedure:

Pre-Hearing (Petitioning) Procedure

Rule 7 "Those persons who have a case...shall initiate proceedings by obtaining...the form entitled complaint." "The plaintiff shall return this petition to the Clerk or Associated Students Secretary after he has entered in typewritten or legibly printed form all of the information required."

Rule 13 "The defendant (s) shall be notified of the allegations against him at least two days prior to the scheduled hearing..."

Formal Hearing Procedure

Rule 33

III "The presiding justice or court clerk shall read the charges set forth in the complaint.

Once a case has been accepted the Court shall concern itself only with the charges filed in the Complaint.

Any additional charges shall be considered as not pertaining to the case in question.

Any member of the Associated Students wishing to file additional charges may initiate proceedings as per Rule 7 (Pre-hearing) petitioning procedure).

It is so ordered.

George Salmas
George Salmas, Chief Justice

Brian Arthur
Brian Arthur, Associate Justice

Gordon Park
Gordon Park, Associate Justice

David E. Schmidt
David Schmidt, Associate Justice

James A. Semmens
Jim Semmens, Associate Justice

Vote: 5-0-0

Unanimous Decision

Adjudicated this twelfth day of April, 1971.