

As written by Justice Matthew Okocha

JUDICIAL PANEL
UNDERGRADUATE STUDENT GOVERNMENT
THE OHIO STATE UNIVERSITY

DAIZHON COX

Appellate

v.

THE JUDICIAL PANEL

Respondent

FEBRUARY 28, 2025

As written by Justice Matthew Okocha

This was an appeal hearing in which DAIZHON COX appealed the Judicial Panel's ruling of disqualification for violating Article IV.D.b of the Undergraduate Student Government Election Bylaws.

Election Bylaws

Article IV.D.b

“Candidates may not knowingly falsify any documents submitted to the Judicial Panel at any time or falsely testify/present false evidence in a Judicial Panel proceeding. This is a Type V bylaw.”

Held: After finding procedural error, the Judicial Panel finds that this case should be and remanded back to the original Justices that heard the case.

Opinion

This appeal concerns the Judicial Panel's ruling to disqualify Mr. Daizhon Cox for falsification of documents related to his campaign petition. The original ruling was based on messages exchanged between Mr. Cox and an anonymous individual, in which Mr. Cox agreed to allow another student to list his name as the circulator on petition signatures rather than their own. The appellant, Mr. Cox, argues that the ruling relied on unverified testimony, failed to meet the burden of proof, contradicted established precedents, was selectively enforced, and lacked evidence of improper petition circulation. After careful review, the Judicial Panel Appeal Panel finds that while Mr. Cox's actions raise serious concerns about election integrity, the ruling may constitute a procedural error. Therefore, the case is remanded to the original Judicial Panel for reconsideration.

One of Mr. Cox's key arguments is that the ruling relied on anonymous, unverified testimony. However, the Judicial Panel finds that this claim is inaccurate. Throughout the hearing, it was established multiple times that the anonymous individual was a member of the plaintiff's campaign team. This person was identified both by Mr. Cox and the plaintiff and was present during the hearing as the plaintiff's legal counsel. Mr. Cox had ample opportunity to question this individual, as the Judicial Panel Standing Rules explicitly grant respondents the right to question accusers and witnesses. While Mr. Cox was not obligated to do so, the opportunity was available to him, and his choice not to exercise that right does not invalidate the fairness of the process.

Regarding the burden of proof, the Judicial Panel holds that the original ruling was based on sufficient evidence. The burden of proof rests on the plaintiff, and if the Judicial Panel

As written by Justice Matthew Okocha

determined beyond a reasonable doubt that a violation occurred, that decision reflects their judgment of the case.

Mr. Cox also argues that the Panel's ruling contradicts established precedents, citing several past cases. In *Vincent Liu v. Brooks Brothers* (2017), the Panel ruled that plaintiffs must provide substantial proof. However, in Mr. Cox's case, concrete evidence was provided, and the violation was demonstrated. Similarly, in *Maddie Carson & Sri Uppalapati v. Jacob Chang & Anna Valerius* (2021), the Judicial Panel ruled that false claims must be substantiated with proof. Mr. Cox claims that his case lacked verification, but evidence was indeed presented and considered by the Panel. In *Devin Bilski & Reagan Brooks v. Andrew Jackson & Sophie Chang* (2017), the Panel ruled that penalties must be proportional and based on verified evidence. Mr. Cox argues that his disqualification is harsher than penalties issued in similar cases. However, falsification of documents is classified as a Type V bylaw violation, for which disqualification is the minimum penalty. Thus, the ruling was proportional to the violation. Finally, in *Frank Dirrig v. Post & Todd* (2017), the Panel ruled that violations must be confirmed through direct evidence. Mr. Cox argues that the Judicial Panel failed to investigate whether a violation actually occurred, but the Panel did investigate the matter during hearings and deliberations. No penalties were issued without due consideration.

Mr. Cox further asserts that the ruling was selectively enforced and inconsistent with past cases. However, the Judicial Panel finds no precedent to support this claim, and Mr. Cox's legal team failed to provide evidence of selective enforcement.

While Mr. Cox may not have directly falsified the petition, he agreed to a process that could have resulted in a false representation of who was responsible for gathering signatures. Even if the student never acted on the conversation, Mr. Cox's response demonstrated a willingness to participate in a deceptive practice, which undermines election integrity. Allowing another student to circulate his petition while listing his own name signaled an intent to circumvent election standards. While the absence of actual misrepresentation may be a mitigating factor, the defendant's intent to engage in a possible rule violation warrants scrutiny.

However, the Judicial Panel Appeal Panel finds merit in Mr. Cox's argument that there is no evidence that improper circulation actually occurred. The bylaw governing falsification does not specify whether intent alone is sufficient for conviction. Since falsification requires proof of actual misrepresentation, the absence of concrete evidence confirming that signatures were improperly circulated raises a potential procedural issue. Given this ambiguity, the Judicial Panel Appeal Panel finds that this case should be remanded to the original Panel for reconsideration.

The Judicial Panel Appeal Panel finds that the original ruling may constitute a procedural error due to insufficient evidence of actual falsification. While Mr. Cox's intent to engage in a misleading practice is concerning, the bylaw does not clearly establish whether intent alone is

As written by Justice Matthew Okocha

grounds for disqualification. The case is remanded back to the original Judicial Panel for further review and reconsideration.

It is so ordered.

Signed: The Judicial Panel

Majority:

Chief Justice Matthew Okocha

Justice Laila Coats

Justice Abby Yallop

Justice RiverJordan Carr

Advisor Anna Sullivan-Kvam