

# Bailey Clarke Bar Scholarship Topic

In January 2021, Texas Governor Babbot decided to hold a rally in Austin, Texas to protest his November election loss to Veto O'Dorke. Since losing the election, Governor Babbot has made numerous unfounded accusations of voter fraud that has angered his base. Governor Babbot filed lawsuits alleging voter fraud in numerous Texas counties and at the state Supreme Court, all of which were dismissed. Many right-wing conspiracy theorists groups have latched on to his voter fraud accusations.

Through the use of social media, many of these groups have expressed their anger about a "stolen election." Governor Babbot decided to hold the rally at the Austin Capital two weeks before the inauguration of the newly elected Governor O'Dorke. The State of Texas has a process for the governor's election where each county selects electors who cast their vote based on the result of the vote totals of their respective counties. The electors then send results of their respective counties to Austin, Texas, the state Capital, for official certification by the state's legislators. On the day the state legislatures meet to certify the vote, the capital is closed to the public.

During the Babbot rally, Governor Babbot continues to make false accusations about a stolen election and urges rally goers to march to the capital to demand the state legislators cast their vote for him. Governor Babbot said he would march with them to the capital, but actually returned to his residence. The rally goers, also referred to as insurgents, are armed with baseball bats, metal pipes, and zip ties while carrying Governor Babbot flags and MTGA ("Make Texas Great Again") hats. Based on the statements Governor Babbot made during the rally, hundreds of people in attendance decided to storm the capital to intimidate and assault state legislators who are certifying the electoral votes for Governor.

As the siege was underway at the capital, windows were broken and security was breached. Capital police were outnumbered twenty to one and were unable to keep the insurgents from entering the building. The insurgents ran amuck through the capital, defacing property, stealing, breaking into legislators' offices, and assaulting capital policemen. Luckily, the state legislatures were able to escape through a secret passage way to an underground bunker. However, several individuals were injured and three persons were killed while the capital was overran. The persons killed were: a capital police officer who was struck by a fire extinguisher in the capital hallway by one of the insurgents, although the assailant was unknown; one of the insurgents was fatally shot by a capital police officer protecting state property; and another insurgent died from a heart attack while running through the capital hallways.

After order was restored, an investigation ensued to identify and prosecute the individuals involved. Arrest warrants were issued for many of the insurgents who entered into the capital.

Several of the insurgents now seek legal counsel to find out their rights and what charges could be brought against them. Using Texas Law, discuss the potential charges and any applicable

defenses that may apply. Your response should be in the form of a memo to a managing partner at Bailey Clarke Law, PLLC and be no more than 5 pages 1.5 to double spaced.