(ORDERS LIST: 7 M.S.C.)

TUESDAY, JANUARY 3, 2023

CERTIFICATE DISMISSED

7-01 THE PEOPLE V. WPARR17

The question certified by the Mayflower District Court for the New Haven district is dismissed.

CERTIORARI DISMISSED AS ABANDONED

7-02 NEW HAVEN COUNTY SHERIFF'S OFFICE, ET AL. V. CODE3PATRICK

The petition for writ of certiorari is dismissed.

CERTIORARI GRANTED

7-03 EX PARTE STICKZA

The petition for writ of certiorari is granted.

SUPREME COURT OF MAYFLOWER

THE PEOPLE *v.* WPARR17

ON CERTIFIED QUESTION BY THE MAYFLOWER DISTRICT COURT FOR THE NEW HAVEN DISTRICT

No. 07-01. Decided January 3, 2023

The consideration of the certified question submitted by District Court Judge EffortlessBrit is denied.

Statement of JUSTICE TURNTABLE5000, with whom THE CHIEF JUSTICE, and JUSTICE TAXESARENTAWESOME join, respecting the denial of the certified question.

Issuing judgments that are narrowly tailored to adhere to the stringent standards of logic and cohesion is not particularly difficult. We, as a Court, acknowledge the difficulties of rendering a judgment over a seemingly complex issue, but as a Court we refuse to provide aid when it is not needed. The process of certifying a question to the Supreme Court may have been a practice in the original Mayflower, however, this was an erroneous move on their part. Cf. *In re Certified Question from the Mayflower District Court for the District of New Haven County (State of Mayflower* v. *FireMarshalBillBurns)*, 4 M. S. C. 23 (2020). The fact remains that the District Court is armed with a judicial arsenal and at their fingertips lies the power of their judicial discretion. They ultimately have the discretion to render an appropriate judgment that is sufficiently substantiated by whatever sources the judge wishes to utilize.

As we have said before, this Court encourages our Judges to be bold in their endeavours, notwithstanding any other extraneous deposits of doubt. *In re JasonDeLuca*, 6 M. S. C. 62, 67 (2022); see also *In re Xolaaz*, 6 M. S. C. 15 (2022). It is not our duty to make ourselves readily available at the whims of the District Court. After all, we are a "Court of

review, not of first view." *Alex_Artemis* v. *State of Mayflower*, 6 M. S. C. 50, 59 (2022) (TURNTABLE5000, J., dissenting in part) (internal quotation marks omitted) (citing *Adarand Constructors, Inc.* v. *Mineta*, 534 U. S. 103, 110 (2001)). We cannot review a case of this nature when there is no lower court record regarding their disposition of the question. "The judge is required to state on the record the reasons for his findings." *Pulley* v. *Harris*, 465 U. S. 37 (1984). The judge "need only to [show] that he has considered the parties' arguments and has a reasoned basis for exercising his own legal decisionmaking authority." *Chavez-Mesa* v. *United States*, 138 S. Ct. 1959 (2018) (citing *Rita* v. *United States*, 551 U. S. 338, 356 (2007)). As a result, it is the emphatic duty of the judge "to state his reasons." *Ibid*. Ultimately, these decisions must contain logic and carefully noted judicial reasoning; these may be embedded throughout a ruling. "Even when a court bases its decision on multiple grounds, it is reasonable to expect that such a finding is the product of careful judicial reasoning," *Herrera* v. *Wyoming*, 139 S. Ct. 1686 (2019), and that is ultimately what we wish for our judges to engage in. If a judge maintains all of this throughout their tenure, they will remain just fine. The ultimate over looming fear that perturbs a sitting judge would be the hand of the Senate and the eyes of the Supreme. Our standards are quite simple for judicial impugnation. *In re JasonDeLuca,* 6 M. S. C., at 67 (establishing the three intolerable offenses that are directly acquainted with a judicial ruling).

Nonetheless, it should be noted that this Court does not retain the power to issue judgments that revolve around "certified questions." This may be a practice that was once a feature of this Court, but such a move was unduly erroneous. Our Constitution does not permit the Supreme Court to hear certified questions from the lower court. It is also not enumerated anywhere in state law. We cannot conjure ourselves an ability that we have never been granted. While

the Supreme Court of the United States may have a certified question provision, it is precisely because it has been enumerated and granted to it by Congress. 28 U. S. C. §1254; U. S. Sup. Ct. R. 19; *United States* v. *Rice*, 327 U. S. 742 (1946) (answering a certified question). Because of these provisions, the Supreme Court was allowed to hear certified questions. We lack these provisions in state law and in our Constitution. Other states have amended their constitutions to include a clause that allows their highest court to hear certified questions from intermediate appellate courts in their respective jurisdictions. See Constitution of the State of New York, Article VII, ss. 3(b)(9), ratified 1985. Some states have also taken to the legislature to create a Uniform Act, one that allows the Supreme Court of the United States to certify a question of law to a state supreme court. See, *e.g.,* North Dakota Rules of Appellate Procedure, rule 47. Nonetheless, we lack the necessary authority to hear certified questions, therefore, we decline to hear this matter.

Even if a future state law or constitutional amendment grants us the ability to hear such claims, there will be very stringent standards affixed to every question that the District Court wishes for us to certify. This is because the inferior court "is the constitutionally empowered fact finder." *In re Certified Question from the Mayflower District Court for the District of New Haven County (State of Mayflower* v. *FireMarshallBillBurns*), *supra*, at ____ (2020) (citing *GeniusMetallum* v. *State of Mayflower*, 4 M. S. C. ____, ____ (2020). Ironically, we certified the question to ultimately deny consideration as "questions certified by the District Court rightfully must be answered by their own judgment, not the whims of this court." *Id*., (slip op. at 4). Our view has not changed since the disposition of that matter. The District Court should not rely on us for matters that are not exceptionally complex, and certified questions—if we are ever permitted to hear them—will be reserved for extremely

complex matters and for "rare instances" where "[it] may be advisable in the proper administration and expedition of judicial business." *Wisniewski* v. *United States*, 353 U. S. 901, 902 (1957) (*per curiam*). In this instance however, "[i]t is primarily the task of the [District Court] to reconcile its internal difficulties." *Ibid*.

For the foregoing reasons I vote to deny the certification of this question, precisely because we do not possess that power in any constitutional or state authority. Even if this Court maintained that ability, it would be used *sparingly*.