

**IN THE SUPREME COURT DIVISION OF
THE STATE OF MAYFLOWER**

Alex_Artemis)	
<i>Appellant,</i>)	Statement
)	
v.)	
)	No. 06-08
)	
State of Mayflower)	
<i>Respondent,</i>)	ON PETITION FOR
)	CERTIORARI
)	

STATEMENT ON PETITION

JUSTICE TAXESARENTAWESOME, dissenting from the grant of certiorari.

Petitioner is a state trooper that was arrested for possession of four cones and a Hawthorn 500 shotgun that was issued to him by the Mayflower State Police while off-duty in his individual capacity. On arraignment, Petitioner was charged with violating 3 M.C.C. § 3 Grand Theft and 1 M.C.C. § 20 Unlicensed Possession of Non-civilian Equipment, to which he pled not-guilty to. Petitioner filed a motion to dismiss on the basis that the statute that criminalizes possession of

non-civilian equipment is unconstitutionally vague and that Petitioner had authorization to carry the equipment as related to their duties as a state trooper. The lower court denied the motion.

Petitioner requested certiorari from this Court to review the dismissal on the grounds that the lower court erred in denying the motion and that a state-certified officer is authorized by statute to carry their equipment off-duty. This Court granted certiorari to review the lower court's judgment.

I

The constitutional grounds of attack in this regard have been hammered dry by the federal courts many times. A statute that criminalizes conduct is offensive to a suspect's Fourteenth Amendment right to due process under the law if it is unconstitutionally vague to where a person can have "no ascertainable standard of guilt." *See Connally v. General Const. Co.*, 269 U.S. 385, 390 (1926). For a statute to be upheld, it must be authored "with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory

enforcement.” *See Kolender, Chief of Police of San Diego, et al. v. Lawson*, 461 U.S. 352, 357 (1982).

In this matter, Petitioner asserted in the lower court that 1 M.C.C. § 20 Unlicensed Possession of Non-civilian Equipment is unconstitutionally vague because the statute allows any certified peace officer to retain their equipment, even if it is not actively being used. The basis of this argument lies within the terms “state certified” and “on duty” which is used in the penal offense. The text of the criminal offense reads as follows:

“Any [person] who possesses non-civilian equipment who is not an on duty state certified peace officer, national guardsman, firefighter, park ranger, or transit authority operator...” is guilty of a misdemeanor and shall be imprisoned for a period around twenty-minutes or be fined no more than \$300.

The lower court found that police equipment “can only be possessed by state certified peace officers while on duty of the specific

team the equipment is dispensed upon.” *See State of Mayflower v. Alex_Artemis*, CR-20301-22 (New Haven District: Oct 10, 2022) (Ruling on Pre-Trial Motion to Dismiss). The basis of the lower court’s ruling are outlined in the statute that criminalized the offense itself. *See* Pub. L. 9-07 Non-Civilian Equipment and Gavel Possession Act. On superficial reading, it is clear that the offense does not give exemption to peace officers that are off duty, or actively not conducting their duties.

In the lower court, Petitioner made arument that the term “state-certified” is vague because the statute was written in a period of time where law enforcement officers retained accreditation with a state agency. Such a process has been suspended and is not in pratice. Even such, it is not undefined to an extent that does not explicitly state the conduct that is prohibited. The statute is clear in its language that the possession of equipment afforded by the state is unlawful unless it is for a peace officer certified by the state to execute and carry out the duties of a law enforcement officer. Whether the manner of such certification is

changed is irrelevant and does not constitute enough vagueness to be struck as offensive to the constitution.

Petitioner's request for certiorari does not address the lower court's ruling, introduce any new argument, or make any other assertions. Rather, it is a mere restatement of the claims made in the lower court. This Court does not have enough cause to grant review given that the lower court appropriately applied the law.

II

In defense of her citizens, the State of Mayflower has given specific authorization to state certified peace officers to possess her equipment, resources, and ammunitions. This authorization is enshrined in statute and common tradition. However, her consent is not absolute and can be explicitly withdrawn in certain regards. Mostly, it can be explicitly withdrawn in the form of statute or internal practice by an agency under the state.

In the matter before us, Petitioner was allegedly in possession of equipment owned by the state while in his private capacity. This is made evident by how the legislature has adopted a statute that

prohibits possession of the equipment of those that are not on-duty. *See Ibid.* The lower court agreed on this rationale regarding consent, stating that the state's consent to possessing her equipment on-duty "does not necessarily mean the defendant had permission to keep the firearms while off-duty." *See Alex_Artemis*. Petitioner's request for certiorari did not address much of the lower court's rationale and why the party believes the lower court erred. Rather, it was more akin to a duplicate of the motion to dismiss that was ruled upon in the lower court.

With no additional grounds or arguments being noted, this Court cannot take a duplicate of the case unless it notes extreme abuse of discretion — which this case did not argue but did hint.

Petitioner has not demonstrated enough cause to demonstrate that the lower court misinterpreted or inappropriately applied the law; nor have they demonstrated that the law that was applied is conflicting with the values of our constitution. Certiorari in this matter is inappropriate. I respectfully dissent.