Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF MAYFLOWER

Syllabus

IN RE AA_MP

ARTICLES OF IMPEACHMENT EXHIBITED BY THE STATE SENATE

No. 7IM-01. Argued April 22, 2023—Decided May 24, 2023

The Senate of the State of Mayflower unanimously passed the Articles of Impeachment against then-Colonel of the Mayflower State Police—AA_MP. This Court subsequently docketed the matter as we are the body that presides over impeachment trials pursuant to the state constitution. The Court then set a series of dates wherein the parties were expected to submit a numerous amount of documentation that was in accordance with the Rules of Impeachment Procedure. When the trial began, the Court found it most appropriate to separate it over multiple days as opposed to finishing it in a singular day. After the closure of the second day of trial, the Governor of the State of Mayflower removed then-Colonel AA_MP from his tenure as the Colonel of the Mayflower State Police. Subsequently, the disposition of the matter fell upon the Supreme Court as the Senate was pursuing a trial against an individual who no longer occupied the office he was impeached from.

Held: This matter has been mooted by subsequent developments, as such, we must dismiss it. See *Massachusetts* v. *EPA*, 549 U. S. 497, 516. Pp. 1–6.

(a) The unicameral structure of our state government requires us to award the fact-finding duty to the Supreme Court. It is our prerogative to "determine whether there is cause and truth to the accusations levied." *In re Alex_Artemis*, 6 M. S. C. 6, 7. Pp 1–2.

(b) The Governor retains broad authority to remove principal department heads who "serve at his pleasure." Mayf. Const. art. V, §11. Such an action is unreviewable by virtue of the executive authority vested in a singular figure—the Governor. P. 3.

(c) The analogous nature of our state constitution and our federal constitution permits us to apply the doctrines of standing to our own state

Syllabus

judicature. Our "judicial power is limited to [c]ases and [c]ontroversies." *Ipadpuppydogdude1alt* v. *Department of State*, 6 M. S. C. 79, 83. This restriction is paramount as it serves to prevent the judiciary from "intrud[ing] upon the powers given to the other branches," and "confines [our state] courts to a properly judicial role." *Spokeo, Inc.* v. *Robins*, 578 U. S. ___, ___–___. With this in mind, we are guided by the principles of justiciability. When a matter is not justiciable, we have no authority to answer it. It is integral that parties involved in a matter "have the necessary stake not only at the outset of litigation, but throughout its course." *Camreta* v. *Greene*, 563 U. S 692, 701. Justiciability has been questioned many times throughout history, however, it is unequivocally clear that the Court cannot answer questions where: the "parties seek adjudication of a political question," *Luther* v. *Borden*, 7 How. 1; the parties "ask for an advisory opinion," *Massachusetts* v. *EPA*, 549 U. S. 497, 516; or "when the question sought to be adjudicated has been mooted by subsequent developments." *Ibid*. Here, the impeached official has already been removed from his position. The relief that can be granted in the event of a *conviction* in an impeachment trial is limited to "removal from office." Mayf. Const. art. IV, § 11. We cannot grant such relief as the individual no longer occupies the office. As such, the matter has been mooted by subsequent developments and ruling upon it would be tantamount to issuing an advisory opinion not permitted by the state constitution. See *Knox* v. *Service Employees Intern. Union*, 567 U. S. 298, 307. Whereas this case is moot, the only appropriate remedy is dismissal. Pp. 3–6.

Case dismissed.

TURNTABLE5000, J., delivered the opinion of the Court, in which BLCVLCL, C. J., and TAXESARENTAWESOME, PARMENIONN, JJ., joined. PARMENIONN, J., filed a concurring opinion. ALEXJCABOT, HOLYROMAN-RYAN, and BARRYRUARC, JJ., took no part in the consideration or decision of this case.

SUPREME COURT OF MAYFLOWER

No. 7IM-01

IN RE AA_MP

ON ARTICLES OF IMPEACHMENT EXHIBITED BY THE STATE SENATE

[May 24, 2023]

JUSTICE TURNTABLE5000 delivered the opinion of the Court.

Impeachment is by no means a coarse matter; it is delicate by virtue of the Constitution. The judiciary inherits the ability to hear impeachment trials due to the unicameral nature of our state. Compare Neb. Const. art. III, §17 (similarly requiring the state's Supreme Court to sit as a court of impeachment) and U. S. Const. art. II, §4 (stating that individuals who are *both* impeached and convicted are removed from Office). Our state constitution vests this authority into one court: the Supreme Court, where we sit as a court of impeachment, much like the Supreme Court of Nebraska. See Mayf. Const. art. IV, §11 ("Trial on impeachment shall be conducted by the Supreme Court."). As such, "the duty falls upon the Court to determine whether there is cause and truth to the accusations levied." *In re Alex_Artemis*, 6 M. S. C. 6, 7 (2022).

The sanctions that attach upon an individual who is both impeached and convicted vary throughout each state. Cf. Neb. Const. art. III, §17 (judgment in cases of impeachment can only trigger "removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this

State."); Mayf. Const. art. IV, §11 ("The judgment may not extend beyond removal from office[.]"). Due to the constitutional confines imposed upon us by the state constitution, the relief that can be granted is patently clear.

In this matter, we are presented with the impeachment of the Colonel of the Mayflower State Police—AA_MP. The Governor retains the executive authority to remove principal department heads that serve at his pleasure. The Mayflower State Police certainly is not an exception. However, such a removal occurred while the impeachment trial was well underway. The Constitution reigns supreme with respect to the relief that we can grant. We cannot remove an official from a position that they no longer occupy. As such, this matter is mooted.

I

On March 18, the Senate of the State of Mayflower unanimously passed the Articles of Impeachment against Colonel AA_MP of the Mayflower State Police. The Supreme Court of the State of Mayflower subsequently received the transmission on March 18. Due to our constitutional duty to hear matters of impeachment, we convened as a court of impeachment to deliberate this matter. An individual can only be impeached for "a commission of a felony or misdemeanor defined by law, neglect of duty, incompetence, unexcused inactivity or corruption or bribery." Mayf. Const. art. XIII, §2. The Articles of Impeachment contained a series of allegations against the Colonel. The Senate impeached the Colonel and alleged that he neglected his duties and was incompetent. See Impeachment Proceedings Against Mayflower State Police Colonel AA_MP, S.R. 6, 13th Cong. (2023).

As such, in accordance with our Rules of Impeachment Procedure, we released a series of deadlines to receive: (1) an answer to the Articles of Impeachment; (2) trial memorandums from both parties; and (3) evidentiary addendums.

Subsequently, we began to hear the facts of the case as both parties presented their case-in-chief. However, shortly after the conclusion of the second day of proceedings, the Governor exercises his constitutional power to remove a principal department head who serves at his pleasure. See Office of the Governor, Dismissal of the Colonel of the Mayflower State Police (2023), online at https://drive.google.com/file-/d/1vdSWr89BzPS-Mga2b35JwHpb1h-ANuTR/view (as visited May 24, 2023); see also Mayf. Const. art. V, §11 ("The head of each principal department . . . shall serve at the pleasure of the Governor[.]"). By virtue of the Governor's office, such an action is effectively unreviewable due to the strict language of our state constitution. The same principle applies to the President of the United States. See *In re Neagle*, 135 U. S. 1 (1890) (clarifying that ministerial officers who "are appointed by the President, with the advice and consent of the Senate," are also "removable from office at his pleasure.").

Whereas AA_MP, the impeached official, no longer maintains his tenure as the Colonel of the Mayflower State Police, we are effectively in a position where we cannot grant the relief prescribed by the state constitution. This matter is mooted by subsequent developments, and we are unable to entertain this case any further.

II

We have previously stated that "[o]ur state constitution is analogous to that of our federal constitution with respect to the case-or-controversy requirement of Article III." *In re m1keaswell*, 7 M. S. C. ___, ___ (2023) (TURNTABLE5000, J., concurring in denial of mandamus) (slip op., at 2). As such, we acknowledge that our "judicial power is limited to [c]ases and [c]ontroversies." *Ipadpuppydogdude1alt* v. *Department of State*, 6 M. S. C. 79, 83 (2022). These cases and controversies must also remain "live" throughout the disposition of the issue. *Powell* v. *McCormack*, 395 U. S. 486, 496 (1969).

It is ancillary to require this conditionality to preclude the judiciary from "intrud[ing] upon the powers given to the other branches," and "confines [our state] courts to a properly judicial role." *Spokeo, Inc.* v. *Robins*, 578 U. S. ___, ___–___ (2016) (slip op., at 5–6).

Our doctrines of standing and mootness often intertwine so long as they seek to restrict all claims from overwhelming our state judicature. It is axiomatic that "parties must have the necessary stake not only at the outset of litigation, but throughout its course." *Camreta* v. *Greene*, 563 U. S 692, 701 (2011); see also *Arizonans for Official English* v. *Arizona*, 520 U. S. 43, 67 (1997). As we have mentioned before, "a case is truly dead when it is impossible for a court to grant any effectual relief whatever to the prevailing party." *m1keaswell*, 7 M.S.C., at ___ (2023) (TURNTABLE5000, J., concurring in denial of mandamus) (slip op., at 3) (internal quotation marks omitted) (citing *New York State Rifle & Pistol Association, Inc.* v. *City of New York*, 590 U. S. ___, ___ (2020) (Alito, J., dissenting) (dissenting op., at 12)). The same holding applies here; whereas we are without the ability to "give advisory opinions," with exceptions granted to us pursuant to Mayf. Const. art. XI, §9,[1] we cannot render judgment on this matter.

Justiciability is essential to the state judicature. It is unequivocally clear that no justiciable controversy exists when: (1) the "parties seek adjudication of a political question," *Luther* v. *Borden*, 7 How. 1 (1849); (2) "they ask for an advisory opinion," *Massachusetts* v. *EPA*, 549 U. S. 497, 516 (2007) (citing *Hayburn's Case*, 2 Dall. 409 (1792)); or (3) "when the question sought to be adjudicated has been mooted by subsequent developments." *Ibid.*, (citing *California* v. *San Pablo & Tulare R. Co.*, 149 U. S. 308 (1893)).

---

[1] We have previously rendered advisory judgments so long as the question comports with the constitutional standard. See, *e.g.*, *In re Syneths*, 6 M.S.C. 25 (2022).

Impeachment, by virtue, is a political matter. See *In re Alex_Artemis*, 6 M. S. C. 6, 8 (2022) (noting that impeachment is "a political trial"). However, it is one that we are constitutionally prescribed to preside over, thus, it is constitutionally permissible. See Mayf. Const. art. IV, §11 ("Trial on impeachment shall be conducted by the Supreme Court."). To answer the second question, we must turn to whether the matter has been mooted by subsequent developments. The state constitution allows us a singular sanction to levy upon an impeached individual if we, as a court of impeachment, vote to convict them: it is removal from office. See Mayf. Const. art. IV, §11. When an individual is removed from their office, they clearly occupy it no longer. An individual cannot be removed from an office that they do not actively maintain. Indeed, there have been past instances where attempts to remove an individual from office were mooted by the official's subsequent resignation. *Cropp* v. *Williams*, 841 A. 2d 328, 330 (2004) ("[T]he resignation of an incumbent officeholder moots an appeal from an underlying action seeking to remove that individual."); see, *e.g.*, *Bruce* v. *Maxwell*, 270 Ga. 883, 515 S.E.2d 149 (1999); *State ex rel. Stephan* v. *Johnson*, 248 Kan. 286, 807 P.2d 664 (1991); *People ex rel. Black* v. *Dukes*, 96 Ill.2d 273, 70 Ill.Dec. 509, 449 N.E.2d 856 (1983). While we acknowledge that the office was not vacated through a resignation, we hold it to be similarly true when an individual serves at the pleasure of an executive authority. Whereas here the impeached official cannot challenge the executive decision to dismiss them as they serve at the Governor's pleasure, the Court cannot grant any effective relief as it is restricted by the constitution.

It is clear that "[a] case becomes moot . . . when it is impossible for a court to grant any effectual relief whatever to the prevailing party." *Knox* v. *Service Employees Intern. Union*, 567 U. S. 298, 307 (2012) (internal quotation marks omitted). It is undeniable that we cannot remove someone

from a position they no longer occupy. As such, relief is impossible to grant, effectively mooting this matter. When a matter is moot, we cannot opine on it. See *Uzuegbunam* v. *Preczewski*, 592 U. S. ___, ___ (2021) (Roberts, C. J., dissenting) (dissenting op., at 3) ("To decide a moot case would be to give an advisory opinion[.]"). Thus, we cannot rule on this matter since we cannot rule on a nonjusticiable issue. See *Massachusetts*, 549 U. S., at 516 (2007).

III

Ultimately, "[w]e are unable to decide moot questions, especially ones that do not affect the rights of the litigants in the case before it." *In re m1keaswell*, 7 M.S.C., at ___ (TURNTABLE5000, J., concurring in denial of mandamus) (slip op., at 5) (citing *St. Pierre* v. *United State*s, 319 U. S. 41, 43 (1943)). We have repeatedly stressed our inability to answer advisory questions that are incompatible with the exceptions provided by our state constitution. The Court is required to hear a trial on impeachment. Our relief is limited to the removal of an individual from an office. Here, the individual no longer maintains his position in office as the Colonel of the Mayflower State Police. The Court cannot grant any effective relief, as such, this matter is mooted and must be dismissed.

* * *

This matter is hereby dismissed under the mootness doctrine.

It is so ordered.

JUSTICE ALEXJCABOT, JUSTICE HOLYROMANRYAN, and JUSTICE BARRYRUARC took no part in the consideration or decision of this case.

SUPREME COURT OF MAYFLOWER

IN RE AA_MP

ON ARTICLES OF IMPEACHMENT EXHIBITED BY THE STATE SENATE

[May 24, 2023]

JUSTICE PARMENIONN, concurring.

I concur with the majority's decision to dismiss this matter as moot. However, I write separately to provide additional analysis and clarification. The present case involves the impeachment of then-Colonel AA_MP by the Senate of the State of Mayflower, followed by the removal of AA_MP from his position by the Governor of the State of Mayflower. As a result, the Supreme Court is now tasked with determining the disposition of the matter.

I concur with the majority when they say that later events have rendered this case moot. Throughout the litigation process, the mootness concept demands that there be an existing case or disagreement. If developments occur that render the court unable to provide meaningful redress to either party, the matter is declared moot and must be dismissed.

In this case, AA_MP has been dismissed as Colonel of the Mayflower State Police, the position from which he was impeached. As a result, any finding on the merits of the impeachment by this Court would have no practical impact or remedy to give. As a result, we must dismiss the lawsuit in accordance with the standard articulated in *Massachusetts* v. *EPA*, 549 U. S. 497 (2007).

I also agree with the majority's reasoning about our state government's unicameral structure and the Supreme Court's fact-finding role. As the highest judicial authority in the state, we have the ability to assess whether there is

cause and veracity in the allegations levelled against a public official, as indicated in the precedent of *In re Alex_Artemis*, 6 M. S. C. 6 (2022).

Furthermore, I concur with the majority's acceptance of the Governor's extensive ability to remove important agency heads who serve at his pleasure, as specified in Mayflower Constitution Article V, Section 11. The Governor's executive power provides for unreviewable removals, and this Court lacks jurisdiction to challenge or intervene with such administrative decisions.

Finally, I agree with the majority's discussion of standing and justiciability. Because our state constitution is comparable to the federal constitution, we may apply these concepts to our own state judicial system. Justiciability necessitates that the parties concerned have a necessary stake in the action from the start and throughout its duration. This condition, as stated in *Camreta* v. *Greene*, 563 U. S 692 (2011), guarantees that the judiciary does not trespass on the responsibilities delegated to other branches and limits our courts to a legitimately judicial function.

Finally, I agree with the majority's determination to dismiss this matter as moot owing to future events. I concur with their view of the relevant statutory and common law issues, including this Court's fact-finding duties and the Governor's authority.