Per Curiam

SUPREME COURT OF THE STATE OF RIDGEWAY

No. 22-07 (22A001)

IN RE ZULUCENTURION, PETITIONER

ON PETITION FOR WRIT OF MANDAMUS TO THE SUPERIOR COURT OF RIDGEWAY AND APPLICATION FOR STAY

[July 23, 2022]

PER CURIAM.

In this case, petitioner asks us to issue a writ of mandamus directing the Superior Court from conducting a jury trial via Discord on July 23, 2022. Petitioner also requests that we stay the Superior Court's order scheduling the trial to be set to begin on that date. In both his petition for a writ of mandamus and application for a stay, petitioner argues that a trial conducted on Discord would cause unfair prejudice against him. Applicant also claims that historical and public implications require that a jury trial be conducted in-game. We deny the petition for a writ of mandamus, and, subsequently, the application for a stay.

To start, petitioner utilizes the incorrect standard for a stay before this Court.[1] Instead of the four-factor test laid

[1] The four-factor test that both parties rely on requires the issuing court to determine "'(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.'" *Nken* v. *Holder*, 556 U. S. 418, 426 (2009) (citing *Hilton* v. *Braunskill,* 481 U. S. 770, 776 (1987)). The factors we analyze applications for stays overlap most of the factors of the four-factor test. For example, analyzing the prospects of whether the

out in *Nken* v. *Holder,* 556 U. S. 418, 434 (2009), an applicant seeking a stay pending a petition for a writ of certiorari or appeal before this Court must demonstrate (1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari or note probable jurisdiction; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result from the denial of a stay. See, *e.g.*, *Times-Picayune Publishing Corp. v. Schulingkamp,* 419 U. S. 1301, 1305 (1974) (Powell, J., in chambers); *Hollingsworth* v. *Perry,* 558 U.S. 183, 190 (2010) (*per curiam*). In close cases the issuing Justice or the Court should balance the equities and weigh the relative harms to the applicant and to the respondent. *Id.,* see also *Lucas* v. *Townsend*, 486 U. S. 1301, 1304 (1988) (Kennedy, J., in chambers); *Rostker* v. *Goldberg*, 448 U. S. 1306, 1308 (1980) (Brennan, J., in chambers). In a case where a petition for a writ of mandamus is sought, an applicant seeking a stay pending the filing and disposition of such petition "must show a fair prospect that a majority of the Court will vote to grant mandamus and a likelihood that irreparable harm will result from the denial of a stay." *Hollingsworth,* 558 U. S., at 190. Because petitioner has already presented the issues surrounding his petition for a writ of mandamus to us, we look towards the merits in determining whether the writ should issue.

Under the Ridgeway Constitution, this Court has the authority to issue all writs necessary or appropriate in aid of its appellate jurisdiction." Rid. Const. Art. V, §3, see also 1

Court is likely to grant a petition for a writ of mandamus or certiorari, as well as the prospects of whether the Court is likely to reverse the judgment below, undoubtedly mirrors the likelihood of success on the merits factor. Irreparable harm is required in both scenarios, and a balance of the equities is almost always conducted as well. We think the four-factor test is the appropriate standard for stays sought in the Superior Court or an intermediate appellate court, but not here.

R. Stat. §124 ("All courts may issue all writs necessary or appropriate in aid of their respective jurisdictions agreeable to the usages and principles of law"). "The traditional use of the writ [of mandamus] in aid of appellate jurisdiction both at common law and in the federal courts has been to confine [the court against which mandamus is sought] to a lawful exercise of its prescribed jurisdiction." *Cheney* v. *United States Dist. Court*, 542 U. S. 367, 380 (2004).

But the writ of mandamus is a "drastic one," see *Kerr* v. *United States Dist. Court for Northern Dist. of Cal.,* 426 U. S. 394, 402 (1976). It is an "extraordinary remedy" never granted as of right, *Ex parte Fahey,* 332 U. S. 258, 259 (1947), and is designed for "really extraordinary causes." *Ex parte Collett*, 337 U. S. 55, 72 (1949). Described as one of "the most potent weapons in the judicial arsenal," *Will* v. *United States,* 389 U. S. 90, 107 (1967), a petitioner seeking a writ of mandamus must establish that (1) "no other adequate means [exist] to attain the relief he desires," (2) the party's "right to issuance of the writ is 'clear and indisputable,'" and (3) "the writ is appropriate under the circumstances." *Hollingsworth, supra* (quoting *Cheney*, *supra,* at 380–381 (some internal quotation marks omitted)).

We have no doubt that petitioner has no other adequate means to attain the relief he desires – to prevent the Discord trial from occurring on July 23rd, 2022. We do not, however, believe that petitioner has demonstrated his right to mandamus to be "clear and indisputable." To start, for a litigant to succeed in proving a "clear and indisputable" entitlement to the writ, they must be correct in showing that the challenged matter is not "committed to discretion." *Will* v. *Calvert Fire Ins. Co.,* 437 U. S. 655, 666 (1978) (plurality opinion); *Allied Chemical Corp.* v. *Daiflon, Inc.*, 449 U. S. 33, 36 (1980). "Where a matter is committed to discretion, it cannot be said that a litigant's right to a particular result is 'clear and indisputable.'" *Ibid*; see also *Calvert,* 437 U. S., at 666. Determining the proper venue is entirely within the

Superior Court judge's discretion, and we do not believe that petitioner is entitled, by the Constitution, to an in-game trial.[2] For one, "the public trial right [under Chapter I, Article 10 of the Vermont Constitution] is founded upon the dangers inherent in secret trials," *State* v. *Rusin,* 153 Vt. 36, 39, 568 A. 2d 403, 405 (1989), and exists primarily to prevent the courts from becoming "instruments of persecution." *State* v. *Mecier,* 145 Vt. 173, 184, 488 A. 2d 737, 744 (1984). Here, the Superior Court has not barred, nor made effort to discourage, the public from attending the trial. The "good solid reasons" and historical contentions that petitioner raises simply do not demonstrate that a Discord trial would unfairly burden his right to a public trial, particularly when attention to the trial can be brought by the use of "everyone mentions" in the main Discord server. Cf. *State* v. *Rusin,* 153 Vt. 36, 40, 568 A. 2d 403, 406 (1989). The claim that setting history is a basis for a constitutional violation simply does not hold water, and the right to a speedy public trial is not a right for the defendant to freely select the venue to be tried in. The other reasons provided by petitioner also prove to be uncompelling. The Superior Court therefore did not abuse its discretion in setting a Discord

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[2] Petitioner cites Rid. Const. Art. I, §VI, as requiring that a "speedy public trial" be held in-game. §VI states in full:

"That in all prosecutions for criminal offenses, a person hath a right to be heard by oneself and by counsel; to demand the cause and nature of the accusation; to be confronted with the witnesses; to call for evidence in the person's favor, and a speedy public trial by an impartial jury of the country, when so required; nor can any person be justly deprived of liberty, except by the laws of the land, or the judgment of the person's peers;"

This provision mirrors that of Vt. Const., Ch. I, Art. 10. Although we do not determine whether we should defer to the interpretation of a state's highest court when interpreting a provision of our constitution derived from that state's, we believe that, at the least, such interpretations should be analyzed.

trial for July 23rd, 2022.

For the foregoing reasons, the petition for a writ of mandamus is denied. The application for a stay is denied.

It is so ordered.

JUSTICE JACKSON took no part in the consideration or decision of this case.