
MAYFLOWER STATE
REPORTS

5

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CASES ADJUDGED

IN

THE SUPREME COURT

AT

2021 A.D. TERM

JANUARY 1, 2021 THROUGH DECEMBER 31, 2021

TOGETHER WITH OPINION OF INDIVIDUAL JUSTICE IN CHAMBERS

END OF TERM

WIGGY B. BOY24

REPORTER OF DECISIONS

J U S T I C E S
OF THE
SUPREME COURT
DURING THE TIME OF THESE REPORTS

SPENCERNIXON, CHIEF JUSTICE.
BOPHBIE, ASSOCIATE JUSTICE.
FROSTBLEED, ASSOCIATE JUSTICE.
IDOT_DANNYBOY, ASSOCIATE JUSTICE.
MYTRIUS, Associate Justice.

OFFICERS OF THE COURT
CLND, CLERK OF THE COURT.
BRICKSTERBROS24, MARSHAL OF THE COURT.
OFFICERVIDEOGAME, ATTORNEY GENERAL.
TRAVIS_KABOB, SOLICITOR GENERAL

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CASES ADJUDGED
IN THE
SUPREME COURT OF MAYFLOWER
AT
2021 A.D. TERM

DANNLABS v. MAYFLOWER NATIONAL GUARD

ON APPEAL FROM THE DISTRICT COURT FOR THE DISTRICT OF
NEW HAVEN COUNTY

No. 05-01. Argued December 27, 2021. Decided January 17, 2021.

On October 1st, 2020, an incident occurred where PRIVATE DANNLABS was killed because of gunfire from an improvised firing squad. Subsequently, the Judge Advocate General's Corps filed bills of complaint against all guardsmen involved in the incident. PSC DANNLABS was charged for the death, injury, and misuse of military issue equipment. The district court found the defendant guilty of all charges.

During these proceedings, the Court adopted motion 4M-22, which suspended the adjudication of all courts-martial for a period of twenty-three days. Proceedings resumed after this delay. The appellant argues that the delay caused by the Court's motion and delays caused by the prosecution, that the defendant's right to a speedy trial was infringed upon and is therefore entitled to a reversal of his conviction.

Held:

1. The defendant's right to a speedy trial was not infringed upon per *Barker v. Wingo*, 407 U.S. 514 (1972). Pp. 2-4.

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2. A theoretical about how law enforcement officers should perform their duties is not a line of inquiry that can be used to determine the credibility of a witness. Pp. 4-5.

Decision affirmed.

IDOT_DANNYBOY, J., delivered the opinion for a unanimous court.

JUSTICE IDOT_DANNYBOY delivered the opinion of the court.

The appellant, PSC DANNLABS, comes before the Court to appeal his conviction of involuntary manslaughter, assault with a deadly weapon, and felony misconduct in the district court. His counsel presented three questions regarding the legality of the appellant's conviction.

I

The entire course of trial, from filing to finish, took the span of seventy-two days to complete. The appellant argues that this abnormal amount of time violated the appellant's sixth amendment right to a speedy trial. The appellant further states that twenty-three days of that time were due to a memorandum by this Court halting the trial of courts-martial in the district courts, and another eight were spent by the presiding judge deliberating a verdict. The Court adamantly disagrees with the appellant's assertion that the twenty-three days spent in limbo due to the aforementioned memorandum contributed, in any part, to a speedy trial violation. The purpose of such a memorandum was to figure out the practical manner, among other things, of how to try courts-martial in the civilian district courts following legal reforms by the State Senate. This memorandum, in an effort to ensure adequate procedures and processes existed to allow for lawful trials, was to the appellant's benefit, not his detriment. This leaves us with the remaining forty-nine days to consider.

As the appellant mentions in their brief, each trial is

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unique in regard to possible violations of the right to a speedy trial, and this Court agrees. Thankfully, the Supreme Court of the United States provides a useful test to determine if a violation has occurred, originating from *Barker v. Wingo*, 407 U.S. 514 (1972). The test employs the following prongs: 1) the length of the delay; 2) the reason for the delay; 3) the time and manner in which the defendant has asserted their right; and 4) the degree of prejudice to the defendant which the delay has caused.

The first delay has already been determined and discussed; this moves us to the left over forty-nine days that can be clearly seen in the lower court transcript. Upon the case being docketed, the ninety-one page transcript shows a clear and continual effort by all parties to get through trial, though several reasonable hiccups occur from motions and responses, trying to get witnesses scheduled, general scheduling, and technical difficulties. All of these, however, are reasonable. Motions are allowed by procedure, and the opposing party gets a retort, not to mention necessary hearings. Witnesses have to give testimony so as to determine fact, the lower court even allowed one party to testify in Discord due to their difficulties. All of this contributes to an understanding that the pretrial and trial delays are permissible. The eight days spent by the presiding judge following the conclusion of the trial are an abnormality. However, given the length of the trial and the evidence to consider this delay is not unreasonable enough to support a speedy trial violation.

Next is when and how did the defendant assert their sixth amendment right? Well, according to the transcript, never; the issue was raised for the first time upon the day of the conviction and during this appeal. Asserting one's right to a speedy trial when they believe there is undue delay is an

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important aspect of self-advocacy, and declining to even consider the issue until the day of a ruling being handed down against oneself is not conducive to a successful appeal and review. Furthermore, refusing to even acknowledge it until a post-conviction appeal speaks to a lack of actual prejudice and burden to the defendant.

We now move to a final prong. In their brief, the appellant presents a wide series of “what ifs” regarding prejudice to the defendant, from being denied employment, possible administrative leave by his employer(s) pending results of trial, etc. However, in all of these assertions, the appellant never once presents any actual prejudice. One section of the brief is a tangent about another case in which the defendant was put on administrative leave by the New Haven County Transit Authority. The appellant also raises the point that, over time, witnesses could lose memories of the event and therefore not provide accurate testimony, harming the defendant. Once again referring back to the lower court transcript, all witnesses seem to provide candid and effective testimony of the events. The appellant was also not held in detainment pending trial. Finally, the appellant’s refusal to even acknowledge the idea until now speaks to a lack of any actual prejudice. There just cannot be found any prejudice towards the defendant resulting from the assorted delays in his trial. As such, a violation of his sixth amendment right to a speedy trial cannot be established by this court.

II

During the trial, a series of objections were sustained against the appellant’s line of questioning for witness ADAMDOSEN. The appellant argues that the court disallowing him to question the credibility of the witness was erroneous and prejudicial. The appellant attempted to inquire about how Military Police Constables should do their job, to which the prosecution objected on the grounds of relevancy

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and lack of foundation, which were sustained. The Court fails to see how a theoretical about how Constables should perform their duties is a line of inquiry that could be probative to determine the credibility of the witness in the context. In their brief, the appellant makes it out to seem that the lower court unilaterally denied any inquisition into credibility, despite it allowing a line of questioning regarding if the witness had any undisclosed contacts with the government. The transcript therefore shows no prejudicial error in such a regard.

Finally, the appellant raised a third question regarding the general liability of his conviction for murder if he was not proven to have actually fired a shot that struck and harmed the victim. Considering the appellant was not convicted of any degree of murder, the Court cannot answer this question.

* * *

The judgment of the New Haven District is therefore affirmed.

It is so ordered.

CLND v. MAYFLOWER NATIONAL GUARD

ON APPEAL FROM THE DISTRICT COURT FOR THE DISTRICT OF
NEW HAVEN COUNTY

No. 05-03. Argued January 3-5, 2021. Decided February 18, 2021.

On October 1st, 2020, petitioner CLND was part of a firing line established for unknown purposes at the West Point Armory in the unincorporated territory of West Point and serving as a guardsman in the Mayflower National Guard. Although the petitioner aimed his Guard-issued rifle above the head of the victim, OfficerRex127, while opening fire the victim jumped and was killed in the gunfire. The petitioner was charged with the offences of involuntary manslaughter under 2 M.C.C. § 11, assault with a deadly weapon under 2 M.C.C. § 3, and felony misconduct under 1 M.C.C. § 11 by way of court martial tried in the Mayflower District Court. The petitioner was convicted on involuntary manslaughter and felony misconduct. The petitioner was interrogated twice by the military police but did not receive transcripts of the interrogations. The petitioner also alleges that the military police prepared a report of the incident, which was not disclosed to him.

The questions before the Court are whether the defendant's right to due process was violated because of the prosecution's failure to make a full disclosure on materials ostensibly held by the military police, whether an individual can be convicted of involuntary manslaughter without a finding that the individual acted without "due caution" per the M.U.R.D.E.R. Act (2020), whether an individual can be convicted of involuntary manslaughter if the trial court finds that death would not have resulted if not for "dangerous" actions of the victim, whether the trial court was "clearly erroneous" in finding that the petitioner struck the victim at all with the petitioner's firearm, and whether the petitioner's actions constituted an abuse of his "position" for the purposes of conviction under the Misconduct Act (2020) on felony misconduct.

Held:

1. In failing to show that the undisclosed evidence creates a "reasonable probability", *United States v. Bagley*, 473 U.S. 682 (1985), of a different result, the petitioner cannot establish that a due process violation has occurred. Pp. 15-16.

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2. The petitioner acted without “due caution” per the M.U.R.D.E.R. Act because the “caution” taken was not proportional to the risk and degree of potential harm to the victim (“due”). Pp. 11-14.

3. The petitioner’s actions were the root and principal cause of the victim’s death, and the District Court did not find that death would have not occurred if the victim had not jumped. Consequently, the conviction on involuntary manslaughter cannot be rejected based on the actions of the victim. Pp. 14

4. The petitioner, in simply offering a plausible alternative exculpatory set of facts, failed to show that the District Court was “clearly erroneous”, GeniusMetallum v. State of Mayflower, 4 M.S.C. 7 (2020), in finding that the petitioner struck the victim with his firearm. Pp. 14-16.

5. The offense of felony misconduct as defined in the Misconduct Act only criminalizes conduct that is specifically defined in law as “incorrectly or immorally abusing one’s position” that results in “a threat to life”. The petitioner’s actions were not defined in this manner in the law. Pp. 16-19.

Decision with respect to involuntary manslaughter affirmed. Decision with respect to felony misconduct is overturned and an acquittal is entered.

FROSTBLEED, J., delivered the opinion of the unanimous Court.

JUSTICE FROSTBLEED delivered the opinion of the Court.

On October 1st, 2020, petitioner CLND was a guardsman of the Mayflower National Guard and participated in an organized event alongside several other guardsmen at the West Point Armory. The petitioner and four other guardsmen stood in a firing line with their government-issued Dellino R21M rifles and B17 pistols pointed forward, standing roughly ten feet away from victim OfficerRex127. The victim said “just do it”. Approximately five seconds later, several members of the firing line including the petitioner began shooting at or in the direction of the victim. During the gunfire, the victim jumped and was killed from gunshot wounds. The gunfire lasted no more than two seconds. A second victim behind OfficerRex127 was injured in the incident.

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On November 5th, 2020, the petitioner was charged with involuntary manslaughter in violation of 2 M.C.C. § 11, assault with a deadly weapon in violation of 2 M.C.C. § 3, and felony misconduct in violation of 1 M.C.C. § 11; by way of court-martial heard in the Mayflower District Court. During the pretrial discovery phase, the prosecution entered three video exhibits depicting three different angles of the incident into evidence without challenge and disclosed the names of seven prosecution witnesses. No other evidence was disclosed by the prosecutor. The petitioner entered a plea of not guilty on all charges.

During trial, the petitioner testified in direct examination that he was interrogated by military police two times, with one interrogation occurring on an unspecified date in a Military Intelligence Service Discord server “and was over the course of a day or so”, and the other occurring shortly “after the incident during [his] detainment which took around 5-10 minutes”. As mentioned earlier, pretrial disclosure from the prosecution was limited to the three video exhibits showing different angles of the incident for which the petitioner was charged, as well as the names of seven prosecution witnesses. No interrogation transcripts, videos, or audio recordings were disclosed. The petitioner filed a motion to dismiss the charges on the basis of being detained in excess of the time allowed defined in the Police Detainment Act of 2020. The judge denied the motion. The legal questions surrounding the motion to dismiss are not before our Court in this case.

The trial judge convicted the petitioner of involuntary manslaughter and felony misconduct but acquitted him of assault with a deadly weapon on December 30th, 2020. A sentence of 40 minutes of imprisonment was ordered immediately following the delivery of the verdict. The petitioner

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filed an application for emergency stay on the remand on the petitioner to custody to Chief Justice spencernixon intending to appeal, which was accepted.

The questions before us are whether the petitioner's right to due process was violated due to the prosecution's failure to disclose a Military Intelligence Service report on the shooting incident¹, and failure to disclose the transcripts or recordings of witnesses interviews, including the interviews of the petitioner; whether an individual can be convicted of involuntary manslaughter absent a finding of the individual acting without "due caution"; whether the petitioner could be convicted of involuntary manslaughter if the trial court finds that the death would not have occurred if the victim had not acted "dangerous[ly]"; whether the trial judge was "clearly erroneous" in finding that the petitioner struck the victim at all with his firearm; and whether the trial judge was correct to hold that the petitioner's actions in improperly using his Guard-issued firearm constituted an "abuse [of] one's position" for the purposes of conviction on the charge of felony misconduct.

For the reasons that follow, the conviction on the offense of involuntary manslaughter is upheld but the conviction on felony misconduct is overturned and an acquittal entered for that charge.

I

The petitioner alleges in his first argument that the Military Intelligence Service, which is part of the Mayflower National Guard's 19th Field Support Regiment, produced a report on the incident for which he was charged. It was

¹ The very existence of this report is disputed.

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further alleged that this report was submitted to the Judge Advocate General's Corps. The receipt of this report was denied by the respondent. The petitioner further asserted that he was interrogated twice by the Military Police, and transcripts of these interrogations were never turned over to him. The contention is that the failure of the government to disclose this material constitutes a violation of the petitioner's right to due process of law because both omissions were of exculpatory evidence. See *Brady v. Maryland*, 373 U.S. 83 (1963).

Notwithstanding the fact that the petitioner offered no evidence of the existence of the Military Intelligence Report, the petitioner has failed to show that the omissions of the report and interview transcripts during disclosure resulted in material harm to his case.² It is not enough to plainly assert that the excluded evidence was exculpatory, as the petitioner did in his briefs. "It is petitioner's burden to show that in light of all the evidence, including that untainted by the Brady violation, it is reasonably probable that a jury would have entertained a reasonable doubt regarding petitioner's guilt." *Kyles v. Whitley*, 514 U.S. 460 (1995). The allegations of the petitioner fail to satisfy this burden because it has not been shown that the undisclosed evidence creates a "reasonable probability", *United States v. Bagley*, 473 U.S. 682 (1985), of a different result.

II

Next, the petitioner asserts that an individual cannot be convicted of the felony of involuntary manslaughter absent

² This fact is especially true in light of the reality that the petitioner did not make any attempt to clarify what the report or interview transcripts contained or would have contained. The claim that the omitted evidence was exculpatory is therefore wholly speculative.

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a finding that the individual acted without “due caution”. To do this, he addresses the provisions of the M.U.R.D.E.R. Act.

The Mayflower State Senate passed the M.U.R.D.E.R. Act on July 22nd, 2020 in order to “ensure clear, constitutional, and consistent definitions for homicide.” It revised many of the existing definitions for crimes of homicide that were not grounded in the words of a written act, and introduced the crime of attempted murder. The definition of involuntary manslaughter was provided in the Act as, “any individual who inadvertently or accidentally causes death to another, not as a result of an intent to kill, rather as a direct result of a dangerous behavior performed without due caution will be guilty of a felony.”

This clause’s meaning is clear in that merely causing the death of another from an accident is not enough to satisfy the elements of the crime. Rather, one must also act without “due caution”.

The definition of the elements of a criminal offense is for the legislature to decide. However, in the issue before us in this case, the Senate has not explicitly spelled out the mental state required to satisfy the mens rea of this crime. We turn, then, to the ordinary usage of the term “due caution”. Except in the “rare cases [in which] the literal application of a statute will produce a result demonstrably at odds with the intentions of its drafters,” *Griffin v. Oceanic Contractors, Inc.*, 458 U. S. 564, 571 (1982), the plain and ordinary meaning of legislation is conclusive. “[A]bsence of contrary direction [will] be taken as satisfaction with widely accepted definitions, not as a departure from them.” *Morissette v. United States*, 342 U.S. 263 (1952).

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“Due caution” differs from mere “caution” in that it denotes a specific, narrower form of care. The difference, however, is marginal. The Merriam-Webster Dictionary offers several definitions for “due” that provide insight here: “according to accepted notions or procedures”, or “satisfying or capable of satisfying a need, obligation, or duty”. “Caution” is defined as “prudent forethought to minimize risk”, or the taking of precautions—“a measure taken beforehand to prevent harm or secure good”. Id. When one acts with “due caution”, then, one acts with reasonable care in a manner to reduce risk, assessed in the specific context and background of the action they are performing, as well as the action itself. The degree of caution should be proportional to the potential for harm and the riskiness of the act. The gravity of risk inherent in the act and the context of the act should be such that the accused knew or should have known about the real probability of resultant death. Although the taking of measures before the critical act to reduce risk or prevent harm can be indicative of due caution, it is not strictly necessary to satisfy the definition. The definition here is analogous to “negligence, which is if a person should have been aware of their actions and results that would be of consequence to their actions.” *FireMarshallBillBurns v. State of Mayflower*, 4 M.S.C. 27 (2020).

The petitioner submits that because he “aim[ed] above the victim” and “another individual warned the victim not to jump into the line of fire”, due caution was exercised and therefore the conviction was in error. We disagree. The specific context and background of the action (i.e. the shooting) was that the petitioner was a guardsman on duty at the West Point Armory. Guardsmen of the Mayflower National Guard are sworn to support and defend the Constitution of the State of Mayflower, and “uphold the general standards

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of battle readiness.” M.F. Const., art. VIII, § 1. It is trite, then, that guardsmen should not intentionally³ fire their rifles in the direction of their fellow soldiers, less extraordinary circumstances such as the existence of a lawful excuse or the taking of equally extraordinary measures of caution to reduce risk of harm. The action itself was extremely dangerous and carried a real probability of death to the victim.

The “due” measures taken by the petitioner in order to exercise “caution” were not extraordinary and not proportional to the risk inherent in firing a rifle aimed just above the head of another person. The petitioner’s choice to aim his firearm above the head of the victim was not a precaution to prevent the risk of harm—it was the very choice that introduced the risk itself. We further find that the warning given to the victim to not “jump into the line of fire” does not represent a precaution sufficient to reach the proportionality threshold to satisfy due caution. The petitioner has not shown that this warning meaningfully reduced the risk of serious harm to the victim, and so this argument is rejected.

III

Next, the petitioner argues that the conviction on involuntary manslaughter is improper because “[i]f the victim had not jumped into the air, the victim would not have been struck by the bullets fired by the defendant and the individuals.” This assertion is not supported by the factual record.

While it is true that the trial judge found that the victim was struck by the firearms “after jumping in the air”, this

³ Whether the petitioner shot in the general direction of the victim intentionally is not a point of contention. This is a fact by both the findings of the District Court, and the concessions of the petitioner.

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is different from a finding that the victim would never have been struck at all had he not jumped. This is an important distinction, because the actual risk inherent in the critical act would have been greatly lessened if the finding was of the latter. Consequently, it would have reduced the “due caution” required of the petitioner. Of course, such a finding was not made. The recoil and inaccuracy of a rifle, coupled with the imperfect human eye and hand would have made the death of the victim highly plausible anyway even if he had not jumped. In either case, the negligent and dangerous actions of the petitioner were still the root and principal cause of the victim’s death. People do not die because they jump; people die because they were fired at with assault rifles.

IV

The petitioner raises a factual dispute on whether the State satisfied its burden of proof in showing that the petitioner actually struck the victim with a bullet from the petitioner’s own firearm. The petitioner contends that there exists a reasonable doubt on this issue because “it is completely reasonable that the projectiles fired from the defendant’s firearm hit beside, behind, or above the victim.”

This claim represents a question of fact. Trial courts are entitled to significant latitude and freedom in the finding of facts. “[T]he (...) findings of the State District Courts are held under the constitution as being nominally correct”. *GeniusMetallum v. State of Mayflower*, 4 M.S.C. 7 (2020). This is important for two reasons. First, there must be a degree of finality for cases disposed of in the District Court. It would trivialize the authority of the District Court and cause administration of justice to be held in disrepute if a large portion of cases concluded in the District Court were

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simply readjudicated before the Supreme Court. Second, society has an interest in the swift conclusion of matters, with a particular emphasis on criminal prosecutions. Rehearing an already-decided matter is not conducive to this societal interest. But the District Court “can make a wrong decision, hence why appeals are afforded.” *Id.* “The fact finding of the District Courts ought to be respected, unless they are clearly erroneous in its (...) findings.” In order to show that such an error occurred, there is a burden on the petitioner to satisfy a “definite and firm conviction that a mistake has been committed.” *Id.* (quoting *Concrete Pipe & Products of California, Inc. v. Construction Laborers Pension Trust for Southern California*, 508 U.S. 602 (1993)).

We conclude that the petitioner has failed to show that the decision of the District Court was “clearly erroneous”. In contrast, the petitioner offers a “completely reasonable” alternative set of facts in his brief. Offering a reasonable alternative theory on the facts is not sufficient to establish clear error. Rather, it must be shown that the trial court either manifestly overlooked evidence that would have been strongly favorable to the petitioner; or reached a finding of guilt based on found facts that, assessed in totality, could not reasonably support a finding of guilt beyond a reasonable doubt. The latter case should be evaluated with great deference to the District Court in line with the principles enumerated in *GeniusMetallum*.

V

On August 2nd, 2019, the Mayflower State Senate passed the Misconduct Act. It established the crimes of felony misconduct, gross misconduct, and misconduct. It defines felony misconduct as “incorrectly or immorally abusing one’s position as defined by law which results in a threat to life.”

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The final contention of the petitioner is that misuse of a Delino R21M rifle as a guardsman cannot satisfy the actus reus of felony misconduct because no law requires guardsmen to possess Delino R21M rifles by virtue of their positions, and no law categorizes misuse of guardsman equipment as “abuse”. Further, the petitioner argues that he did not “abuse [his] position to create some sort of gain for themselves or others or to discriminate against others unfairly”, and so his actions are therefore not impermissible under the Misconduct Act. The final contention of the petitioner is that misuse of a Delino R21M rifle as a guardsman cannot satisfy the actus reus of felony misconduct because no law requires guardsmen to possess Delino R21M rifles by virtue of their positions, and no law categorizes misuse of guardsman equipment as “abuse”. Further, the petitioner argues that he did not “abuse [his] position to create some sort of gain for themselves or others or to discriminate against others unfairly”, and so his actions are therefore not impermissible under the Misconduct Act.

The wording of the definition of felony misconduct cannot be read as imposing a requirement for all types of “abuse of a position” to be enumerated in law for such abuse to be criminalized by the offense. For such an interpretation, the clause “as defined by law” would need to include commas at the beginning and end in order to indicate that the entire previous clause (“incorrectly or immorally abusing one’s position”) is captured by it. Because no such punctuation is present, “as defined by law” refers to the noun immediately preceding it—“position”. The position of guardsman in the Mayflower National Guard is referenced and defined in the law in a multitude of places, The wording of the definition of felony misconduct cannot be read as imposing a requirement for all types of “abuse of a position” to be enumerated

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in law for such abuse to be criminalized by the offense. For such an interpretation, the clause “as defined by law” would need to include commas at the beginning and end in order to indicate that the entire previous clause (“incorrectly or immorally abusing one’s position”) is captured by it. Because no such punctuation is present, “as defined by law” refers to the noun immediately preceding it—“position”. The position of guardsman in the Mayflower National Guard is referenced and defined in the law in a multitude of places, from the State Constitution (see M.F. Const. art. VIII) to the Seventh Public Servants Act (2020). The position is therefore defined in the law.

But our inquiry does not end here. Although in passing, the lack of punctuation would seemingly close the issue, “[p]unctuation is not decisive of the construction of a statute.” *United States v. Ron Pair Enterprises, Inc.*, 489 U.S. 250 (1989) (quoting *Costanzo v. Tillinghast*, 287 U.S. 341, 344 (1932)). “Punctuation is a minor, and not a controlling, element in interpretation, and courts will disregard the punctuation of a statute, or re-punctuate it, if need be, to give effect to what otherwise appears to be its purpose and true meaning.” *Barrett v. Van Pelt*, 268 U.S. 85 (1925) (quoting *Chicago, M. & St. P. Ry. v. Voelker*, 129 Fed. 522, 527 (1904)). By this principle of construction, courts have been unhesitant in the past to ignore or change punctuation in order to better reflect the intent of the legislature.⁴

There is very little material at our disposal to ascertain the intent of the Senate in passing the Misconduct Act. We do not have transcripts of committee discussions or floor debate on the bill. Nevertheless, a typical avenue where our

⁴ See, e.g., *Simpson v. United States*, 435 U.S. 6, 11-12, n. 6 (1978); *Stephens v. Cherokee Nation*, 174 U.S. 445, 479-480 (1899).

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analysis may explore is the statement of purpose in the written text of the act, normally present at or near the beginning thereof. This is present in the Misconduct Act, where it reads that it is “[a]n act to establish Misconduct, Gross Misconduct, and Felony Misconduct as a crime.” Unfortunately, this does not make our analysis any clearer.

However, the interpretation that the definition of felony misconduct prohibits “abusing one’s position” generally, as opposed to instances of such abuse “as defined by law”, would lead to constitutional ramifications. It would be impermissibly vague language. For an offense to be unconstitutional due to vagueness, it must either “fail to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute”, *Mudsoup v. BlackLightnng72*, 4 M.S.C. 14 (2020) (quoting *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972)), “[encourage] arbitrary and erratic arrests and convictions”, *Kolender v. Lawson*, 461 U.S. 352 (1983), “or offer excessive discretion to enforcement of the law.” *Mudsoup*, supra. Outlawing all abuse of “one’s position” merely by those words would invariably capture such a wide range of seemingly innocent conduct not readily apparent that it cannot be constitutional. The Misconduct Act does not define “abuse” anywhere in its text.

As an example, consider a fictional state senator who is driving his intern to his office at the State House. With the intern in the front seat, he knowingly drives 70 MPH in a 60 MPH speed limit zone on a snowy day. The nexus between his conduct and his position is that the senator is driving to his senatorial office, and that he would not have had

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this intern if not for his position as a senator.⁵ Is the senator guilty of felony misconduct for knowingly speeding while his intern was present in the front seat, thereby causing a threat to his life? This conduct is reasonably captured by the definition of felony misconduct when read at face value. But of course, it “fail[s] to give (...) fair notice that his contemplated conduct is forbidden by the statute.”

In this situation, the canon of constitutional avoidance becomes applicable. It provides that “[w]here an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such problems unless such a construction is plainly contrary to the intent of [the legislature].” *Edward J. DeBartolo Corp. v. Fla. Gulf Coast Bldg. & Constr. Trades Council*, 485 U.S. 568, 575 (1988). It has been recognized by the Supreme Court of the United States as a “cardinal principle’ of statutory interpretation.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (quoting *Cromwell v. Benson*, 285 U.S. 22, 62 (1932)). Applying this canon in conjunction with the principle of attaching little weight to original punctuation, the definition of felony misconduct should be construed as “incorrectly or immorally abusing one’s position, as defined by law, which results in a threat to life.” This is a reasonable alternative interpretation of the definition of the offense that is not “plainly contrary” to the intent of the Senate.

The implication of this interpretation is that for conduct to be outlawed by the offense of involuntary manslaughter, the offending conduct would have to be somewhere enumerated in the law as conduct that represents “abusing one’s

⁵ The subjectively minuscule nexus is recognized. It is an appropriate analogy nevertheless because the Misconduct Act does not state how significant the nexus must be between the “abuse” and the relevant position.

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position". The question then becomes whether the petitioner's conduct in committing involuntary manslaughter with a Guard-issued rifle while on duty as a guardsman is defined in law as "abuse" of the position of guardsman. No such definition in law was provided by either party to this case. Our research discovered no such definition, either. Although there are internal military codes and policies prohibiting the petitioner's conduct, they are not the law. Consequently, the petitioner's conviction on felony misconduct must be overturned.

* * *

The decision of the District Court to convict the petitioner on involuntary manslaughter is affirmed. The conviction on the offense of felony misconduct is overturned and an acquittal will be entered on that charge.

It is so ordered.

**IN RE IMPEACHMENT OF ADAMSTRATTON, JUDGE
OF THE DISTRICT COURT FOR THE DISTRICT OF
NEW HAVEN COUNTY**

**ON EXHIBITION OF ARTICLES OF IMPEACHMENT FROM THE
MAYFLOWER STATE SENATE**

No. 5-04. Argued January 12, 2021. Decided January 22, 2021.

On January 3rd, 2021, the Senate of the State of Mayflower unanimously voted to impeach Judge AdamStratton of the District Court for the District of New Haven County on one article of corruption and another of incompetence. The articles were transmitted to the Supreme Court of the State of Mayflower on the same day. The impeachment alleged that Judge AdamStratton abused his official capacity to unlawfully distribute gavels that were property of the state, and that the Judge has demonstrated incompetence through their repeated judicial disciplinary suspensions, complaints, etc.

Held: AdamStratton, Judge of the District Court for the District of New Haven County is convicted on all articles exhibited by the Senate and is removed from office. Pp. 21-22.

SPENCERNIXON, C.J., delivered the opinion of the Court, in which all other members joined except IDOT_DANNYBOY, J., who took no part in the consideration of the case.

CHIEF JUSTICE SPENCERNIXON delivered the opinion of the Court.

On January 3rd, 2021, the Senate of the State of Mayflower unanimously voted to transmit articles of impeachment to the Court for consideration against Judge AdamStratton of the Mayflower District Court.

* * *

On consideration of these articles exhibited by the Senate, the Supreme Court voted to convict Mr. AdamStratton, Seat 2, of the Mayflower District Court for the District of New Haven County. By virtue of Mayfl. Const. art. IV §11,

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this conviction renders Mr. AdamStratton removed from office.

It is so ordered.

AMITBX v. ERIC THE LEGENDARY**APPEAL FROM THE MAYFLOWER DISTRICT COURT FOR THE
NEW HAVEN DISTRICT**

No. 05-11. Argued June 12, 2021. Decided June 29, 2021.

On May 10th, 2021, appellant was shot and killed by appellee while he was fleeing from the appellee. Fourteen days later, appellant filed suit in the Mayflower District Court for the New Haven District, alleging that appellee violated his Fourth Amendment rights from unreasonable seizures through appellee's usage of lethal force. After appellee entered a demur- rer plea claiming that none of appellant's constitutional rights were vio- lated, the District Court dismissed the case with prejudice after deter- mining that no seizure had occurred under a two-pronged test it devised.

Held:

1. A Fourth Amendment seizure occurred when appellee utilized lethal force against the appellant. Pp. 24–28.

(a) The District Court and appellee's arguments that *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Connor*, 490 U.S. 358 (1989) do not support their conclusion that no seizure occurred either. Both of the cases determined whether seizures occurred under various uses of force. However, in order to determine whether a seizure is legal, there must be a seizure by itself. Thus, by citing *Garner* and *Graham*, appellees essentially concede that a seizure has indeed occurred. Pp. 24–25.

(b) The second prong is also unworkable. The Supreme Court of the United States recently held that "the application of physical force to the body of a person with the intent to restrain is a seizure even if the person does not submit and is not subdued." *Torres v. Madrid*, 592 U.S. ___, ___ (slip op. at 17). Because appellee intended to restrain appellant, and because there was no misfire or malfunction of the weapon, the District Court inadvertently found that a seizure had oc- curred because appellee had utilized deadly force with intent to re- straint. Appellee's argument that the intent to restrain was directly towards his apprehended suspect and not appellant is rejected in light of the fact that a seizure occurs regardless if the officer seized their intended target or not. Pp. 26–27.

Decision reversed and remanded.

Opinion of the Court

IDOT_DANNYBOY, J., delivered the opinion of the unanimous Court. SPENCERNIXON, C.J., filed a concurring opinion.

JUSTICE IDOT_DANNYBOY delivered the opinion of the Court.

In the case before us today, we answer a question resulting from the dismissal of a civil case by the lower court, all revolving around the usage of deadly force by a police officer on the plaintiff, resulting in death. The question posed is whether the District Court erred in interpreting that the usage of deadly force upon the plaintiff was not in fact a seizure under the Fourth Amendment to the United States Constitution. The lower court's main rationale behind such is the employment of a two-pronged test in which, for some state action to be a seizure, the police officer must exercise a show of authority (which the lower court grants the defendant did in drawing his department issued weapon to act in official capacity) and that the recipient of the seizure must submit to the authority (which the lower court found did not occur, as the plaintiff was fleeing when he was killed). For significant and important reasons we shall dive into further later on in this analysis, the second prong is unequivocally wrong in and of itself; nevertheless, let's entertain the idea in an effort to show how, even using such a standard, the District Court strayed from the path of a reasonable interpretation of law.

Throughout the process of this case at trial and on appeal, the trial court, appellant, and appellee all employ two primary cases in their argument for a seizure occurring, or lack thereof. The trial court and the appellee both employ *Tennessee v. Garner*, 471 U. S. 1 (1985), which found that a police officer who uses deadly force on a fleeing subject does not commit an unlawful seizure if the subject poses a significant threat of death or serious bodily injury to other

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persons. The appellant uses such to state a seizure did occur. Likewise, the same as aforementioned is brought up in *Graham v. Connor*, 490 U. S. 386 (1989), which created the objective reasonableness standard often used in determining if a use of force is justified in terms of a seizure. The inherent problem both the trial court and the appellee face is attempting to utilize these cases, however, is that their mere mention undermines the point they are trying to make. Both cases are the results of debates regarding if a use of force by state agents is constitutional, somewhat similar to the arguments presented to us by the appellee. However, to argue whether something is lawful or unlawful, one cannot avoid the first logical hurdle that the aforementioned is something, and did occur. To be more precise, to argue whether a seizure (in this case a use of force by a police officer) is lawful or unlawful, one must concede that a seizure occurred. Furthermore, to even argue that being shot dead is not one “submit[ing] to the authority” is preposterous. Likewise, arguing that death is not a restraint on one’s liberty—as argued by the appellee and implied by the lower court—is also illogical and contrary to law; death is, after all, the ultimate restraint on liberty, which is why the state is so regulated in the exercise of its power to kill.

Finally, we get into the core facet of the case before this Court. As mentioned earlier, the District Court’s second prong used to determine if a seizure occurred is objectively incorrect as a whole. The Supreme Court of the United States has graced us with a particular legal wisdom in the recent case of *Torres v. Madrid*, 592 U. S. ____ (2021), in which they held “[T]he application of physical force to the body of a person with the intent to restrain is a seizure even if the person does not submit and is not subdued.” *Id.*, at ____ (slip op. at 17). This case is uncanny in its similarities to

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the one before us. In it, police officers fired upon a woman fleeing in a vehicle, striking her, but failing to apprehend her until she was later captured at a hospital. In this case, the District Court found that the now appellant was struck and killed by the now appellee while fleeing, evading capture. Let us analyze, then, *Madrid's* finding as related to this case. It is undisputed that the appellee maintained an intent to restrain, firstly. He did not misfire his weapon, nor did it malfunction, and one does not simply aim at and shoot someone multiple times without intent. Regardless of if his actions were legal or illegal—which is not the purview of this court to decide—he did certainly use deadly force with intent to restrain, as the lower court itself inadvertently found. However, the appellee disputes that this intent to restrain was directed at the appellant, but rather offers the explanation that it was to the handcuffed suspect riding on the appellant's vehicle at the time: this is irrelevant. In a similar vein to that of the transferred intent doctrine, though with a bit better standing in a civil context, this case need not require the intent to seize a person and the person that is seized be one and the same. Regardless of whom the appellee actually intended to seize, the appellant was the one who was actually subject to a seizure. The intentional use of deadly force, by law enforcement, on another person is, and always will be, a seizure under the Fourth Amendment—the trial court has blatantly erred.

* * *

Therefore, the ruling of the lower court is REVERSED and remanded for further proceedings consistent with this ruling.

It is so ordered.

SPENCERNIXON, C.J., concurring

JUSTICE SPENCERNIXON delivered the opinion of the Court.

I agree with the Court’s decision to vacate the lower court’s ruling. However, I must write separately to discuss my own reasoning for doing so.

Several days ago, Appellee used his service-issued weapon to kill Appellant. Following an acceptance of demurrer, the lower court matter was dismissed with prejudice. This Court is tasked with determining whether the applications of force by Appellee constitute a “seizure” under the meaning of the Fourth Amendment.

The answer to the questions presented by Appellant can be found by first identifying what the meaning of a seizure is under the Fourth Amendment. The District Court proposes a two-pronged analysis to determine if a seizure occurs: whether there is a show of authority by a governmental actor and whether the person seized submits to the authority. This would be a noble invention by the lower court, except for the fact that it was copied from an online legal dictionary and fails to describe the meaning of the Fourth Amendment.¹

If a closer inspection of the case law is conducted, the District Court’s applications of the Fourth Amendment are wholly unsupported. Common across our jurisprudence is the guarantee that a seizure occurs “whenever a police officer accosts an individual and restrains his freedom to walk away.” *Terry v. Ohio*, 392 U. S. 1, 16 (1968). Yet, we arrive here to the present case in which a governmental actor (the Appellee) permanently restrained an

¹ Yes, the District Court copied Cornell’s Legal Information Institute word-for-word without citation or accreditation.

individual's (the Appellant's) freedom to walk away. We need not establish or divulge into other unnecessary texts or legal principles to emphasize that the legal analysis by the District Court was flawed. It would be an emphatic rejection of the Fourth Amendment to say that Appellee did not seize Appellant. When Appellee fired his weapon, the Appellant became accosted, and when killed, their freedom to move was permanently restrained.

I do not see it necessary to analyze *Graham v. Connor*, 490 U. S. 386 (1989), *Tennessee v. Garner*, 471 U. S. 1 (1985), or other cases to determine whether or not a seizure occurred. While those cases may all provide valuable insight into the extension of a seizure, such as the objective reasonableness standard and seizing someone on flight, the question before us asks us to define if a seizure occurred. The answer to this question is found in Terry.

January 30, 2021

ORDERS FOR JANUARY 1 THROUGH
DECEMBER 31, 2021

JANUARY 03, 2021

Cases Docketed

No. 5-04. ADAMSTRATTON, IN RE. Notices of Appearances are ordered to be filed by 01/06/2021. Answer to Articles of Impeachment ordered to be filed by 01/06/2021. Replication to Answer ordered to be filed by 01/09/2021. Merit Briefs ordered to be filed by 01/13/2021. Reply Briefs ordered to be filed by 01/16/2021. Amicus Curiae ordered to be filed by 01/18/2021.

JANUARY 20, 2021

Appeals Docketed

No. 5-05. AVIATORJOSEPH v. TOWNSHIP OF PLYMOUTH, ET AL. Transcripts are ordered to be submitted by 01/24/2021 in the above matters, by the inferior courts. Rule 12 & 13 Briefs ordered to be filed by 01/24/2021 at 6:00pm Eastern. Rule 14 Briefs ordered to be filed by 01/27/2021 at 6:00pm Eastern. Rule 27 Briefs may be filed as directed by Rule 27.3.

January 20, 2021

Cases Decided

No. 5-01. DANNLABS v. MAYFLOWER NATIONAL GUARD. A theoretical about how law enforcement officers should perform their duties is not a line of inquiry that can be used to determine the credibility of a witness.

No. 5-04. ADAMSTRATTON, IN RE. Judge AdamStratton has been convicted and removed from office.

Cases Declined

No. 5-##. DANNLABS v. MAYFLOWER NATIONAL GUARD. Filing does not fall under Rule 9.1.

No. 5-##. AVIATORJOSEPH v. TOWNSHIP OF PLYMOUTH, ET AL. Appeal is not of right per const., should be filed via Rule 10.

Miscellaneous Orders

No. 5M-01. MOTION TO ADOPT NEW STANDING RULES. New standing rules have been adopted. The Rules of Appellate Procedure are defunct.

JANUARY 30, 2021

Cases Dismissed

No. 5-05. ENVYLIME, ET AL., v. MAYFLOWER NATIONAL GUARD. Statement by Chief Justice spencernixon: On December 8th, 2020, an affidavit was received in support of a military search warrant against EnvyLime. On December 21st, 2020, an affidavit was received in support of a military search warrant against raviolifamthebest. Both affidavits were signed by Judge Eagleeye785 on the day they were received. EnvyLime and raviolifamthebest, through counsel, appealed to this court. Appellants filed identical Notices

January 30, 2021

of Appeal, asking this Court whether military seizure orders are warrants, whether military seizure orders are constitutional, and whether the District Court erred in issuing the seizure orders against them. The Supreme Court should only hear and decide cases where there is a “case or controversy” giving it the standing to do so. Mayfl. Const. art XI §2. The appeal before us asks us to determine whether two executed military seizure orders are unconstitutional on the basis of lacking probable cause and whether military seizure orders are unconstitutional. The principle of standing rests on three elements: an injury-in-fact, causation, and redressability. The injury-in-fact test is satisfied when it “requires more than an injury to a cognizable interest.” Lujan v. Defenders of Wildlife, 504 U.S. 555, 563 (1992). It requires that the party seeking review be among the injured. The injury must be concrete, particularized, and imminent. To satisfy the causation requirement, the Court reasoned that there “must be a causal connection between the injury and the conduct complained of the injury.” Id., at 560. This connection must be clearly traceable. Finally, the injured party must present how it is probable that the reviewing court will redress the injury. Id., at 561. If this Court decided on the questions on appeal presented in this case, it would be deciding on questions that have not been demonstrated to be redressable. Applying the standards of Lujan, the Court does not have standing to hear the appeals. The appeals must be dismissed as improvidently granted.

March 17, 2021

MARCH 17, 2021

Appeals Docketed

No. 5-06. IDOT_DANNYBOY, ET AL., v. RYANEPICGAJER. Transcripts are ordered to be submitted by 03/21/2021 in the above matters, by the inferior courts. Rule 21 & 13 Briefs ordered to be filed by 03/21/2021 at 6:00pm Eastern. Rule 14 Briefs ordered to be filed by 03/24/2021 at 6:00pm Eastern. Rule 27 Briefs may be filed as directed by Rule 27.3.

Miscellaneous Orders

No. 5-06. IDOT_DANNYBOY, ET AL., v. RYANEPICGAJER. Application for Stay presented to Chief Justice spencernixon and referred to the court is denied.

APRIL 25, 2021

Cases Docketed

No. 5-07. DAVIE9000, IN RE. Rule 26 Briefs ordered to be filed by 4/29/2021 at 6:00pm Eastern. Rule 27 Briefs ordered to be filed by 05/01/2021 at 6:00pm Eastern.

Miscellaneous Orders

No. 5-08. RYANONTHEWEBS v. RS_HUDSON. Application for Stay submitted to spencernixon, C.J., is denied.

MAY 23, 2021

Cases Docketed

No. 5-09. KOALAMEDVEDEVA v. SHAD_A. Certiorari is granted for question #1 and #2. Transcripts are ordered to be submitted by 05/27/2021 in the above matters, by the inferior courts. Rule 12 & 13 Briefs ordered to be filed by 05/24/2021 at 6:00pm Eastern. Rule 14 Briefs ordered to be filed by 05/27/2021 at 6:00pm Eastern. Rule 27 Briefs may be filed as directed by Rule 27.3.

May 23, 2021

Cases Declined

No. 5-10. OFFICERVIDEOGAME v. STATE OF MAYFLOWER.
Petition for Writ of Certiorari is denied.

Miscellaneous Orders

No. 5-10. OFFICERVIDEOGAME v. STATE OF MAYFLOWER.
Stay granted by IDOT_DANNYBOY, J., is vacated.

June 2, 2021

JUNE 2, 2021

Appeals Docketed

No. 5-11. AMITBX v. ERIC THE LEGENDARY. Transcripts are ordered to be submitted by 06/05/2021 in the above matters, by the inferior courts. Rule 12 & 13 Briefs ordered to be filed by 06/05/2021 at 6:00pm Eastern. Rule 14 Briefs ordered to be filed by 06/08/2021 at 6:00pm Eastern. Rule 27 Briefs may be filed as directed by Rule 27.3.

Cases Dismissed

No. 5-09. KOALA MEDVEDEVA v. SHAD_A. Petitioner failed to file briefs in accordance with published brief schedule.