

**IN THE SUPREME COURT
OF THE ATLANTIC COMMONWEALTH**

IN THE MATTER OF PARADO-I, GOVERNOR OF THE ATLANTIC COMMONWEALTH

PER CURIAM.

I. STANDARD

Introduction

The Commonwealth Constitution provides at art. VII that the Court is to “write an advisory opinion on the legitimacy of the impeachment based on its stated reasoning that must be concluded with either: (i) A recommendation to impeach or to not impeach, or; (ii) An abstention.”

On November 27, 2019, AR.###: Impeachment of Governor Parado-I was introduced to the General Assembly. The resolution would impeach Parado-I as Governor of the Atlantic Commonwealth.

Advisory Opinions

Under the laws of the Commonwealth, it is generally understood that “[c]ourts are generally prohibited from issuing advisory opinions or ruling on hypothetical inquiries.” *Coleman ex rel. Coleman v. Daines*, 19 N.Y.3d 1087, 1090 (2012). As impeachment is the only circumstance in which an advisory opinion may be issued by the Court, and as this is the first impeachment in the history of the Commonwealth, the Court once again sails into the legally uncharted waters of jurisprudence with no equivalent in the laws of the former State of New York.

The Constitution shines little light on the role and function of advisory opinions within the Commonwealth’s legal structure. The jurisprudence of other jurisdictions in the United States also provides little guidance due to the general impermissibility of advisory opinions, see, e.g., *Muskrat v. United States*, 219 U.S. 346 (1911), with the prominent exception of one state: Dixie.

The Dixie Constitution provides at art. IV § 1(c) that “[t]he governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor’s executive powers and duties.” Dixie is unique in the country in this regard, and its precedent may prove enlightening.

In Dixie, it is understood that in issuing an advisory opinion, the justices do so in a personal capacity—not with the voice of the Court. See *Collins v. Horten*, 111 So. 2d 746 (Fla. Dist. Ct. App. 1959). Thus, though “frequently very persuasive”, “advisory opinions to the Governor are not binding judicial precedents.” *Lee v. Dowda*, 155 Fla. 68, 73, 19 So. 2d 570, 572 (1944). We see no reason to depart from the practice of our sister state, and hold that this opinion is not issued pursuant to the judicial power of the Commonwealth—and thus has no precedential value upon this Court.

II. ANALYSIS

At art. VII § b(a), the Commonwealth Constitution provides that “[t]he legislature may impeach a Legislator, Chief Judge, Justice, Governor, Lieutenant Governor, or other state officials for a felony or failure to abide by the constitution by a $\frac{2}{3}$ majority vote in the legislature.”

On November 29, 2019, Parado-I, the subject of this impeachment resolution, resigned as Governor of the Atlantic Commonwealth. As she no longer holds office within the Commonwealth, she no longer qualifies as a “state official” and is no longer subject to impeachment by the General Assembly. Consequently, we recommend that the General Assembly does not proceed with these impeachment proceedings.

III. CONCLUSION

For the reasons stated above,

We recommend that the General Assembly **NOT IMPEACH** Parado-I for the felonies and failures to abide by the Constitution enumerated in AR.###: Impeachment of Governor Parado-I.

Per curiam.