

STATEMENT OF LEGAL ISSUES

I

WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN GRANTING THE WRIT OF PROHIBITION BASED UPON THE LEGAL CONCLUSION THAT ARTICLE IV, SECTION 3, VESTS THE EXCLUSIVE POWER TO SEAL PARDONS OR MAKE THEM AVAILABLE FOR PUBLIC INSPECTION SOLELY WITH THE GOVERNOR?

Trial court concluded that governor's power to pardon is plenary and that the decision to seal pardons or make them available for public inspection is constitutionally vested solely in the governor.

II

WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN GRANTING THE WRIT OF PROHIBITION IN CONCLUDING THE SEPARATION OF POWERS DOCTRINE WOULD BE VIOLATED IF THE POWER TO SEAL PARDONS DID NOT VEST IN THE GOVERNOR?

The trial court concluded under the separation of powers doctrine, Article IV, Section 3, constitutionally occupied the field regarding pardons, including the power to seal, and therefore absent constitutional amendment the legislature could not encroach upon the governor's power.

III

WHETHER APPLICANTS' OTHER STATED CLAIMS PROVIDE A LEGAL BASIS TO ISSUE A WRIT OF PROHIBITION IN THIS MATTER?

The trial court did not find it necessary to reach these additional claims given its determination to issue the writ of prohibition on constitutional grounds.