

No. 17-1234

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IN THE  
**Supreme Court of the United States**

MARCH 2018

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ALEXANDRA HAMILTON,  
*Petitioner,*  
v.

COUNTY OF BURR AND JOAN ADAMS.  
*Respondents.*

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**On Writ of Certiorari to  
the United States Court of Appeals  
for the Fourteenth Circuit**

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BRIEF FOR PETITIONER

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## QUESTIONS PRESENTED

- I. Does the individual right to possess firearms extend beyond the home?
  
- II. If so, is the good cause requirement a permissible limitation on an individual's right to possess a concealed firearm in public?

PARTIES TO THE PROCEEDING

Petitioner, Alexandra Hamilton, was the plaintiff before the United States District Court for the Eastern District of Columbia and the appellee before the United States Court of Appeals for the Fourteenth Circuit.

Respondents, County of Burr and Joan Adams, were the defendants before the United States District Court for the Eastern District of Columbia and the appellants before the United States Court of appeals for the Fourteenth Circuit.

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## OPINIONS BELOW

The United States District Court for the Eastern District of Columbia's Opinion and Order granting Plaintiff's motion for summary judgment is unpublished. (R. at 12) The United States Court of Appeals for the Fourteenth Circuit's Opinion and Order is unpublished. (R. at 19)

## STATEMENT OF JURISDICTION

The court of appeals entered judgment on July 1, 2017. (R. at 19). Petitioner timely filed a Petition for Writ of Certiorari, which the Court granted on November 13, 2017. (R. at 20). This Court's jurisdiction rests on 28 U.S.C. § 1254(1) (2012).

## STANDARD OF REVIEW

This Court reviews a district court's fact findings for clear error and its legal conclusions de novo.

## PROVISIONS INVOLVED

“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II.

## STATEMENT OF THE CASE

Petitioner, Alexandra Hamilton, a resident of Burr County, seeks an injunction to prevent respondents, the County of Burr and Joan Adams, from enforcing the limitation to carry concealed firearms under Columbia Penal Code (CPC) § 900.1(F)(4). (R. at 5) The purpose of this statute is to require that Ms. Hamilton demonstrate “good cause” in order to acquire a license to carry a concealed firearm in public. *Id.*

Ms. Hamilton’s son was attacked during a home invasion at Ms. Hamilton’s residence (R. at 4) As a result, he sustained permanent injuries requiring surgery and hospitalization. *Id.* He also required rehabilitation treatment for months after the surgery. *Id.* Ms. Hamilton, working the night shift when the incident occurred, was severely emotionally affected by the attack and suffers from panic attacks and daily anxiety as a result of the incident. (R. at 4, 24) She developed a paralyzing fear of men who have tattoos or piercings because they remind her of the man who invaded her home (R. at 3) Further, she is fearful for her home and her personal safety, as well as the safety of her son, on an hourly basis, uncertain that another attack may occur. (R. at 24) Ms. Hamilton is mainly concerned about her safety at her place of work, where she is often alone during the night shift. (R. at 4)

After the attack, Ms. Hamilton applied for a permit to carry a concealed weapon (“CCW Permit”), which she lawfully obtained after demonstrating “good cause” under CPC § 900.1 (F)(3). (R. at 3) One evening, Ms. Hamilton arrived at the Weehawken Rehabilitation with her son for his rehabilitation treatment. *Id.* George Cornwallis, a thirty-three-year-old man who has tattoos on both arms and a piercing on his eyebrow, approached Ms. Hamilton looking for directions to the facility’s inpatient wing. *Id.* Ms. Hamilton, startled by the man’s uncanny resemblance to the attacker of her son, pulled her concealed weapon and aimed it at Mr.

Cornwallis. *Id.* However, Mr. Cornwallis, being a trained off-duty police officer, disarmed Ms. Hamilton. *Id.*

Ms. Hamilton unintentionally left her wallet at home, which contained her driver's license and CCW Permit. *Id.* Pursuant to CPC § 900.1, she was cited and fined \$1,000 for failure to produce her proper permit and identification. *Id.* The Burr County court then revoked her CCW permit, stating she no longer met the "good cause" requirements of CPC § 900.1(F)(4). *Id.* Because of the Respondents enforcement of the statute, Ms. Hamilton is prevented from being able to keep and bear her handgun for the purpose of self-defense.

Ms. Hamilton filed suit in the District Court for the Eastern District of Columbia on Second Amendment grounds on November 9, 2015. (R. at 2). The County filed a motion for summary judgement, and a cross motion for summary judgment was subsequently brought by Ms. Hamilton. (R. at 7) On March 2, 2016, the district court granted Ms. Hamilton's motion for summary judgment. (R. at 12) On appeal, the decision of the district court was reversed by the United States Court of Appeals for the Fourteenth Circuit on July 1, 2017. (R. at 19) The Supreme Court of the United States granted certiorari on November 13, 2017 to review whether the Second Amendment protection for an individual's right to keep and bear a firearm extends beyond the home, and if so, whether the "good cause" requirement is a permissible limitation on that right to possess a concealed firearm in public. (R. at 20)

## SUMMARY OF THE ARGUMENTS

### I.

The Second Amendment protects an individual's right to carry in public. The language of the Second Amendment dictates that there is a right to "keep" and "bear" arms, each being its own separate and distinct right. Additionally, self-defense is a central component of the Second Amendment because it secures the right to protect oneself against both public and private violence. A person may be exposed to danger anywhere, thus self-defense is equally necessary both inside and outside the home. Furthermore, *Heller*, in discussing self-defense, specified that the right is most acute in the home, which indicates that there is a right that extends outside the home. Finally, because the Columbia statute requires good cause to obtain a concealed carry permit, when this statute is combined with Columbia's no open-carry laws, it essentially prevents the ordinary individual from carrying a weapon in public. Thus, the regulatory scheme results in a total ban on public carry. Although the Second Amendment right is not unlimited, a ban on public carry is not included in the list of presumptively lawful regulations and a complete ban on the exercise of a constitutional right is never justified.

### II.

The good cause requirement infringes upon a core constitutional right and is effectively a total ban on an individual's right to carry in public, thus it should not be subject to any scrutiny because it is invalid. The good cause requirement is an impermissible restriction because it restricts conduct that falls within Second Amendment conduct. It infringes upon the fundamental right of self-defense because it doesn't allow normal law-abiding citizens to obtain a permit to carry a concealed weapon for self-defense purposes. Further, the statute is unconstitutional

because it does not fall within the permissible longstanding prohibitions pertaining to time, place, and manner restrictions. However, even if this statute wasn't a total ban, it would still fail under strict scrutiny because the government cannot meet its burden to prove the regulation is narrowly tailored to promote a compelling government interest. While public safety and crime prevention are indeed compelling interests, the statute is not narrowly tailored to achieve that interest. Therefore, the statute fails under strict scrutiny.

## ARGUMENTS

### **I. The Second Amendment protects an individual's right to carry a firearm in public.**

The Second Amendment provides that “a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed” U.S. Const. amend. II. Under the Fourteenth Amendment, the Second Amendment is binding on the states. *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010). This Court interpreted the Second Amendment's language to protect the individual's right to keep and bear arms. *District of Columbia v. Heller*, 554 U.S. 570, 636 (2008). However, the Court declined to consider whether that right extended beyond the home, since the issue was not before the Court. *Id.*

#### **A. The Second Amendment includes two separate rights for an individual to keep arms in the home and bear arms in public.**

The Second Amendment right to keep and bear arms extends beyond the home because the language of the Amendment implies that these are two separate rights. *See Moore v. Madigan*, 702 F.3d 933, 936 (5th Cir. 2012); *see also Wrenn v. District of Columbia*, 864 F.3d 650, 663 (D.D.C. Cir. 2017). The Amendment's language gives individuals the right to keep and bear

arms. *Id.* The ordinary meaning of the Second Amendment right to “keep arms” is simply to “have weapons.” *See Heller*, 544 U.S. at 582. Additionally, the term “bear,” when combined with “arms,” refers to carrying for confrontation. *Id.* The Court in *Heller* agreed with Justice Ginsburg’s definition of bear arms, which generally means to carry a weapon to be ready for conflict. Furthermore, to bear arms refers to carrying weapons outside the home because to speak of “bearing” arms within one’s home would have been an awkward use of the phrase. *Id.*; *see also State v. Shover*, 8 N.E.3d 358, 370 (Ohio Ct. App. 2014). Additionally, the right to keep and bear arms was understood to exist not only for self-defense within the home but was also associated with the militia and activities such as hunting, neither of which are within the home. *See U.S. v. Masciandaro*, 638 F.3d 458, 468 (4th Cir. 2011). Therefore, this phrasing implies a right to carry a weapon in public because “keeping” arms was likely to refer to the home, so it leads to reason that by giving a right to bear arms, the purpose was to give the right to carry outside of the home. *Heller*, 544 U.S. at 628. There are two separate and distinct rights to keep and to bear a weapon and the amendment’s core includes protection to a law-abiding citizen to carry a handgun for self-defense beyond the home. *Id.*

**B. Self-defense is a central component of the Second Amendment and an individual must defend themselves both inside and outside the home.**

The right to keep and bear arms for self-defense extends beyond the home because the act of self-defense may potentially occur within or outside of the home. *See Moore*, 702 F.3d at 936. In viewing the historical context of the Second Amendment, it could not rationally have been limited to the home. *Id.* Self-defense is the core lawful purpose of the Second Amendment and is a fundamental component of the right. *See Heller*, 544 U.S. at 630. By holding that the need for

defense of self, family, and property was “most” acute in the home, *Heller* acknowledged that there was still a need for protection outside of the home. *Id.* *Heller* additionally agreed that the language of the Second Amendment guaranteed an individual the right to possess a weapon in the case of a confrontation. *Id.* at 592. Confrontation is not limited to the home, so self-defense is necessary wherever a person happens to be. *See Masciandaro*, 638 F.3d at 467-68. Therefore, the right to keep and bear arms must extend beyond the home because a person’s need to defend themselves is not restricted to their homes, but rather follows the person to wherever they are exposed to violence, protection against which is included within the Second Amendment. *Id.* Similarly, Ms. Hamilton is as likely to be attacked in public as she is in her home. (R. at 3). It is even more probable that Ms. Hamilton, being a woman who works alone during the night shift, would need the ability to defend herself while out in public at her workplace. *Id.* Ms. Hamilton is the paradigm of individuals who would desire protection when out in public because of the circumstances that have put her in a potentially dangerous situation. *Id.* Therefore, since the Second Amendment protects against both public and private violence and that may be wherever a person is exposed to danger, the right to carry in public is protected by the Second Amendment.

**C. The Second Amendment right is not unlimited but a total ban on public carry is not a presumptively lawful regulation.**

*Heller* concluded that the Second Amendment right is not unlimited and provided for several examples of regulations which prohibited carrying firearms into specific places like schools and government buildings. 544 U.S. at 626. If the Second Amendment right was confined to the home, these regulations banning weapons in sensitive places outside the home would be

redundant because they would have already been banned everywhere in public, regardless of whether they were sensitive. *Id.* Furthermore, the regulations listed in *Heller* that are presumptively lawful deal with the classes of individuals, certain locations, and the commercial sales of weapons. *Id.* The list of presumptively lawful regulations never extended to include a ban on public carry. *Id.*

Some circuit courts have observed that *Heller* was cautious to limit the scope of its decision. *See Peruta v. County of San Diego*, 824 F.3d 919, 928 (9th Cir. 2016) (en banc). These courts hold that the Second Amendment right is not absolute, and that the right was not meant to allow for an individual to carry any weapon in any manner for whatever purpose. *Id.* However, this is not a strong argument because Petitioner is not disputing that the Second Amendment right is absolute and unlimited. The purpose of Mrs. Hamilton's complaint is to allow a reasonable means to protect herself while outside the home, within reasonable limitations already established, such as the prohibitions of firearm possession against felons and the mentally ill or in places that are sensitive to the possession of firearms such as schools and government buildings. *See Heller*, 544 U.S. at 626. Therefore, although the Second Amendment right is not unlimited, a ban on public carry is not included within the list of presumptively lawful regulations and thus is a protected right.

## **II. The good cause requirement infringes on a fundamental right and is a total ban, or it at least fails strict scrutiny**

The good cause requirement is an impermissible restriction because the regulation is a total ban on conduct that falls within the Second Amendment. *See Drake v. Filko*, 724 F.3d 426, 443 (3rd Cir. 2013). The statute falls within the scope of the Second Amendment because the statute

restricts conduct pertaining to one's ability to defend oneself outside the home. *Id.* In order to determine whether a regulation on a core constitutional right is a permissible restriction, the court must apply a two-step approach. *See Woollard v. Gallagher*, 712 F.3d 865, 874 (4th Cir. 2013); *see also U.S. v. Chester*, 628 F.3d 673, 682 (4th Cir. 2010). Under this two-step approach, the first step requires that the court question whether the statute burdens a right under the scope of the Second Amendment. *Id.* If it does not, then the statute is valid. *Id.* If the statute does burden a right under the scope of the Second Amendment, then the court moves to the second step of the analysis, in which the court should apply an appropriate form of means-end scrutiny. *Id.* However, in cases where the statute amounts to a total ban, *Heller* indicated that no scrutiny was to be applied by the court. *See Chester*, 628 F.3d at 682. Rather, the statute should be struck down as clearly unconstitutional. *See State v. Reid*, 1 Ala. 612, 616-17 (Ala. 1840). If scrutiny is to be applied, then the good cause statute will be subject to strict scrutiny because the law burdens a fundamental core right. *See Masciandaro*, 638 F.3d at 469-71. The Columbia statute will fail strict scrutiny because the government cannot prove the statute is narrowly tailored to advance a compelling government interest. *Id.*

**A. Good cause infringes on a fundamental right because it doesn't allow law-abiding citizens to get a permit and is a total ban.**

The good cause requirement results in a total ban on the right for an individual to carry a weapon in public and thus should not be subject to any scrutiny because it infringes upon a fundamental right. *See Wrenn*, 864 F.3d at 663. The Columbia Penal Code requires that a concealed carry permit may only be issued when an individual "demonstrates that good cause exists for issuance of the CCW Permit because the applicant, or a member of the applicant's

family, is in harm's way.” (R. at 21) This requirement, when combined with the Columbia ban on open-carry, would necessarily result in a total ban on an individual's right to carry for self-defense in public because the requirement to show good cause would bar most individuals from being able to defend themselves outside of the home. *See Wrenn*, 864 F.3d at 663. The requirement amounts to a total destruction of the Second Amendment right, which is an impermissible restriction of the right. *Id.*

The good cause requirement amounts to a total ban on an individual's right to carry in public for self-defense when combined with Columbia's ban on open carry and is therefore unconstitutional. In analyzing this constitutional challenge, the Court must apply the two-step approach set forth in *Heller II*. *See Palmer v. District of Columbia*, 59 F. Supp. 3d 173, 179 (D.D.C. Cir. 2014). First, the Court must decide whether the good cause requirement imposes a burden on conduct that falls within the Second Amendment right to keep and bear arms for the purpose of self-defense. *Id.*; *see also Peruta*, 742 F.3d at 1150. The statute plainly infringes a core constitutional right, and no balancing of the interests under a heightened form of means-end scrutiny should be used to justify the good-cause requirement. *Id.* at 182. Because there is no basis under which the statute could pass any level of scrutiny, the complete ban on carrying handguns in public is an unconstitutional violation of the Second Amendment. *Id.* at 183.

**B. Good cause requirements are specifically missing from the list of longstanding prohibitions and those should not be extended.**

Courts have, with reason, advised against extending the list of longstanding prohibitions. *See Drake*, 724 F.3d at 447 (Hardiman, J., dissenting). Some courts have upheld similar statutes, misinterpreting justifiable need requirements to publicly carry a weapon to be included in

Heller's longstanding prohibitions that are presumptively lawful. *Id.* to 429. However, this Court should be cautious about adding to this list of presumptively lawful regulations, because doing so would be determining that the regulation is completely outside of the reach of the Second Amendment, and thus exempt from scrutiny. *Id.* to 447. Furthermore, Heller requires, at the very least, that a regulation have historical justification for it to be considered a longstanding prohibition that should be included within the exceptions already mentioned. *Id.* to 450.

A statute which substantially burdens an individual's Second Amendment right to self-defense in public can hardly be comparable to these longstanding prohibitions which only place restrictions upon time, place, or manner. *See Grace v. District of Columbia*, 187 F. Supp. 3d 124, 146 (D.D.C. Cir. 2016) (order granting preliminary injunction); *see also U.S. v. Chovan*, 735 F.3d 1127, 1145 (9th Cir. 2013) (Bea, J., concurring). Rather, this licensing scheme is a total ban on the right for an individual to bear arms in public. Such a categorical limit on a constitutional right requires a more stringent examination and should not be treated as merely an avoidable restriction, but rather a complete restriction on Second Amendment conduct. *Id.* at 1152. Therefore, the good cause requirement is not included in the list of longstanding prohibitions pertaining to time, place and manner because it places a greater burden on the core constitutional right to bear arms in public. *Id.*

**C. Regardless of being a total ban, the regulation burdens the core of the Second Amendment right and fails strict scrutiny.**

The appropriate level of scrutiny to apply to the good cause restriction is strict scrutiny because the statute places a significant burden on a fundamental right. *See U.S. v. Marzzarella*, 614 F. 3d 85, 96 (3rd Cir. 2010); *see also Chester*, 628 F.3d at 682. Under the two-step approach

to determine the appropriate level of scrutiny, the Court must first consider how close the law comes to the core of the Second Amendment right. *Id.* Second, the Court must consider the severity of the law's burden on that right. *Id.*; *see also Chovan*, 735 F.3d at 1143 (Bea, J., concurring). Under this analysis, the appropriate level of scrutiny to apply would be strict scrutiny, because it is more suitable for assessing a challenge to an enumerated constitutional right. *Id.* A categorical restriction of a constitutional right must require a more rigorous inspection than intermediate scrutiny. *Id.* Additionally, there is a presumption to apply strict scrutiny where a fundamental right is concerned. *See Norman v. State*, 159 So.3d 205, 220 (Fla. Dist. Ct. App. 2015). A complete prohibition on carrying handguns in public is such a substantial curtailment of an individual's right to defend themselves outside the home that it requires a greater justification than showing that the statute is reasonably adapted to protect a government interest. *See Moore*, 702 F.3d at 939. Unlike those longstanding prohibitions, the good-cause requirement does not allow for any ample alternative channel for individuals to protect themselves in public, but rather imposes a severe burden on the right. *See Grace* 187 F. Supp. 3d at 146.

Any law that burdens a fundamental core right will be subject to strict scrutiny, in which the government has the burden to prove that the statute is *narrowly tailored* to advance a *compelling* government interest. *See Masciandaro*, 638 F.3d at 469-71; *see also Norman*, 159 So.3d at 220. The Columbia statute imposes a significant obstacle against individuals seeking to obtain a permit to carry a concealed firearm in public for self-defense purposes by requiring them to prove good cause. (R. at 21) First, the statute hinders the approval of permits by authorizing the Commissioner to approve or deny applicants on an arbitrary basis and by allowing the Department of Public Safety to further define the good-cause provision within its discretion on a

county-to-county basis. (R. at 22) In accordance with the statute, Burr County further defines good cause as a set of circumstances that distinguish the individual from the mainstream, which may include documented threats that place them in certain risk for harm, and that merely fearing for one's personal safety is not considered good cause. (R. at 24) Essentially, the statute allows only individuals who foresee an attack to obtain a permit. *Id.* Because self-defense outside of the home is included in the core Second Amendment right to bear arms, the District of Columbia's regulatory scheme in its entirety effectively prohibits Ms. Hamilton from exercising that right. *See Palmer*, 59 F. Supp. 3d at 182. Therefore, because this regulation severely burdens a core constitutional right, the court should apply strict scrutiny. *Id.*

While it is recognized that the government interest in public safety and crime prevention is a compelling one, the statute will fail strict scrutiny because where there are less restrictive methods of advancing that governmental interest, the legislature must use that alternative. *See Drake*, 724 F.3d at 436. The licensing requirements could be applied more narrowly by aiming the restrictions at individuals who are likely to misuse guns. (R. at 12) As it is, the regulation creates a total ban, and total bans will not pass strict scrutiny. *See Palmer*, 59 F. Supp. 3d at 182. Therefore, the good cause requirement to obtain a concealed carry permit fails strict scrutiny because the County failed to make a showing that its interest in achieving public safety cannot be achieved with more narrowly targeted legislation. (R. at 12) Accordingly, this Court should hold that the statute requiring good cause is unconstitutional as a violation of the Second Amendment.

### CONCLUSION

The Second Amendment protects an individual's right to carry in public. The Columbia statute which requires good cause to obtain a concealed-carry permit, when combined with no open-carry, prevents an individual from carrying a weapon in public. This total ban infringes

upon the Second Amendment, and thus should be ruled as unconstitutional. Furthermore, this statute fails under strict scrutiny, which requires that the statute is narrowly tailored to promote a compelling government interest, because the statute is not narrowly tailored enough to achieve the interests of public safety and crime prevention without eliminating the right of most law-abiding citizens to carry firearms in public.

PRAYER

For these reasons, Petitioner prays the Court will reverse the court of appeals judgment, affirm the judgment of the District court, and hold that the Second Amendment right extends beyond the home, and that the Columbia statute requiring good cause therefore is unconstitutional.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

Counsel for Petitioner certifies that this Brief has been prepared and served on all opposing counsel in compliance with the Rules of the Freshman Moot Court Competition.

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## APPENDIX

### COLUMBIA PENAL CODE – CPC § 900

#### Public Safety Regulatory Provisions

PREAMBLE - It is the legislature's intent to create a standardized system for issuing concealed carry firearm licenses to prevent criminals from obtaining a permit to carry a firearm, to allow law abiding residents to obtain a license to carry a firearm, and to prescribe the rights and responsibilities of individuals who have obtained a license to carry a firearm.

#### **Section 1. Permit to Carry a Concealed Weapon**

- A. A person may not carry a firearm in a public place unless they are in possession of a Permit to Carry a Concealed Weapon ("CCW Permit").
- B. A "firearm" includes pistols and revolvers; shotguns with barrels less than eighteen inches in length; rifles with barrels less than sixteen inches in length; assault weapons; and any device designed to be used as a weapon by expelling any projectile.
- C. A person must have their CCW Permit and driver's license or other form of identification in immediate possession at all times when carrying a firearm.
- D. A holder of a CCW Permit must carry their weapon on their person in a belt or shoulder holster that is concealed and completely covered by other clothing, those persons listed in Section 2, subsection (B) excepted.
- E. Applications by Columbia residents for a CCW Permit shall be made to the Commissioner of the Department of Public Safety in the county where the applicant resides. The Department of Public Safety may further define the provision for good cause set forth in Section 1, subsection (F)(4).
- F. The Commissioner may issue a CCW Permit to an applicant who:
  1. Is at least 21 years of age;
  2. Is a citizen of or a person lawfully admitted into the United States;
  3. Possesses a valid, lawfully obtained Columbia driver's license or official Columbia personal identification card;
  4. Demonstrates that good cause exists for issuance of the CCW Permit because the applicant, or a member of the applicant's family, is in harm's way; Obtains training in the safe use and handling of a firearm by successfully completing an appropriate firearm safety training course; Is not subject to an order or disposition for any of the below, which will be confirmed by a background check:
    - a. Involuntary hospitalization, commitment or alternative treatment;
    - b. Legal incapacitation;
    - c. Have a diagnosed mental illness at the time the application is made; been found guilty but mentally ill of any crime; been found not guilty by reason of insanity of any crime;
    - d. Have never been convicted of a felony in Columbia or elsewhere, or a misdemeanor violation in the six years preceding the application date; a

felony or misdemeanor charge against the applicant is not pending in Columbia or elsewhere at the time of application;

e. Have not been dishonorably discharged from the U.S. Armed Forces.

G. The Commissioner reserves the privilege to revoke a person's CCW Permit at any time if facts brought to the Commissioner's attention show that the person no longer meet the requirements of Section 1, subsection (F).

### **Section 2. Possession of Firearm on Certain Premises Prohibited; Applicability**

A. Except as provided in Section 2, subsection (B), a person shall not possess a firearm on the premises or within 1,000 feet of any of the following:

1. A courthouse and its surrounding premises;
2. Government buildings;
3. A theater;
4. A sports arena;
5. A day care center;
6. An educational institution, including junior colleges and institutions of higher education; any grounds or buildings where an activity sponsored by a school is being conducted, or a transportation passage of a school;
7. An establishment licensed under Columbia Liquor Control Act to vend, distribute, or otherwise earn income from dealing in liquor.

B. Section 2, subsection (A) does not apply to any of the following:

1. A law enforcement officer, employed by any municipality, city, or county, within the State of the Columbia, or by the State of Columbia;
2. A person who owns, or is employed by or contracted by, an entity described in subsection (A) above if the possession of that firearm is to provide security services for that entity;
3. A peace officer.

### **Section 3. Failure to Carry or to Show Permit; Penalty**

A. Any person to whom a permit has been issued who fails to carry the permit or fails to present the permit when asked to do so by a peace officer is subject to a civil penalty of up to \$1,000. A court reserves the privilege to revoke a person's CCW Permit at any time if it concludes the person no longer meets the requirements of Section 1, subsection (F).

## United States Constitution, Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed