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April 6, 2017

Molly Dwyer  
Clerk of the Court  
U.S. Court of Appeals, Ninth Circuit  
95 Seventh St.  
San Francisco, CA 94103-1526

RE: *Nichols v. Brown*, U.S.C.A., 9th Circuit, Case No. 14-55873

Dear Ms. Dwyer:

This letter responds to the March 17, 2017, letter that Charles Nichols submitted in the above-entitled case, under Federal Rule of Appellate Procedure 28(j), concerning the recent decision of the Florida Supreme Court in *Norman v. Florida*, Case No. SC15-650.

Mr. Nichols's cites to the dissenting opinion in *Norman* more than to the majority opinion. Nonetheless, the majority opinion contains two noteworthy parts.

First, citing several of the same history and law sources as the California Attorney General's Office has cited in the appellate briefing in this *Nichols* case, *Norman* explains that "most states outside of the South in the mid-nineteenth century prohibited in most instances the carrying of firearms in public, whether carried concealed or openly," and also holds, "We reject the notion that the historical right protected by the Second Amendment is the right to open carry." (P. 21 & nn. 11, 12 (citing three case decisions, six statutes, and one law-review article; emphasis added).)

Second, for Florida's open-carry laws (part of an overall public-carry statutory scheme that is admittedly different from California's public-carry statutory scheme), *Norman* holds that intermediate scrutiny is the appropriate level of scrutiny to apply (p. 38), and that the laws withstand intermediate scrutiny (pp. 42, 47).

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The body of this letter contains 203 words.

Sincerely,

s/ Jonathan M. Eisenberg  
JONATHAN M. EISENBERG  
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For XAVIER BECERRA  
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