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May 20, 2015

The Hon. Molly Dwyer
United States Court of Appeals, Ninth Circuit
95 Seventh Street
San Francisco, CA 94103-1518

Re: *Richards v. Prieto*
U.S. Court of Appeals, Ninth Cir. No. 11-16255
Set for Rehearing En Banc June 16, 2015

Notice of Supplemental Authority, Fed. R. App. P. 28(j)

Dear Ms. Dwyer:

The panel's decision in the companion *Peruta* case continues to prove influential. Endorsing that opinion, the District Court for the District of Columbia has enjoined Washington, D.C.'s requirement that individuals prove a "good" or "proper" reason to carry handguns for self-defense. See Memorandum Decision & Order, *Wrenn v. District of Columbia*, No. 15-CV-162-FJS, Dkt. 13 (May 18, 2015) (Exhibit A).

Wrenn applied intermediate scrutiny to test D.C.'s law, *id.* at 12, but following *Peruta*, explained that deference extends only to a legislature's interest in enacting a challenged provision—not to the question of constitutional fit. *Id.* at 13-14. *Wrenn* also agreed with *Peruta* that the Second, Third, and Fourth Circuit decisions reviewing such laws "either afforded too much deference to the legislature's conclusions or did not address whether the statutes at issue were no broader than necessary to achieve the government's substantial objectives." *Id.* at 14 n.8.

Ms. Dwyer
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“[T]he issue here is not whether the District of Columbia’s ‘good reason’/‘proper reason’ requirement is a reasonable or wise policy choice. Rather, the issue is whether this requirement, no matter how well intended, violates the Second Amendment.” *Id.* at 15-16.

A “good/proper reason” requirement “does not indicate, in any way, whether that person is less likely to misuse handguns or may be less dangerous.” *Id.* at 16 (citation and footnote omitted). “[H]ow is [criminal behavior] related to whether or not a person has a greater need for self-protection? Moreover, isn’t it possible that even persons who cannot manifest a present need for self-protection are just as likely to be victims of a violent crime.” *Id.*

Simply put, the District of Columbia’s “good reason”/“proper reason” requirement will neither make it less likely that those who meet this requirement will present a risk to other members of the public or commit violent crimes than those who cannot meet this requirement . . . Defendants have failed to demonstrate that there is any relationship, let alone a tight fit, between reducing the risk to other members of the public and/or violent crime and the District of Columbia’s “good reason”/“proper reason” requirement.

Id. at 16-17.

Sincerely,

/s/ Alan Gura
Alan Gura

This body of this letter contains 350 words.

CERTIFICATE OF SERVICE

On this, the 20th day of May, 2015, I served the foregoing by electronically filing it with the Court's CM/ECF system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 20th day of May, 2015.

/s/ Alan Gura
Alan Gura