

No. _____

IN THE
Supreme Court of the United States

SHAWN REEVES,
Petitioner

v.

STATE OF NEW JERSEY,
Respondent

On Petition for a Writ of Certiorari to
the Superior Court of New Jersey, Appellate Division

PETITION FOR A WRIT OF CERTIORARI

JOSEPH E. KRAKORA, Esq.
New Jersey Public Defender

CODY T. MASON, Esq.*
New Jersey Deputy Public Defender

Office of the NJ Public Defender
25 Market Street
P.O. Box 850
Trenton, New Jersey 08625
(609) 292-8292
(609) 777-1795 (fax)
Cody.Mason@opd.nj.gov

Attorneys for Petitioner
**Counsel of Record*

QUESTION PRESENTED

In *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), this Court clarified that people have a Second Amendment right to carry a handgun in public for self-defense. In doing so, the Court struck down laws in seven jurisdictions, including New Jersey, that denied permits to exercise this right unless a person could first establish a special or heightened need for self-defense. *Bruen* therefore recognized that seven jurisdictions in the United States had been improperly denying their citizens their Second Amendment right to bear arms, leading to liberalized permitting schemes for future applicants in those jurisdictions. Left unresolved, however, was how this ruling would affect people who were prosecuted or convicted for not complying with the old, unconstitutional permitting schemes.

In the absence of such guidance, litigants and courts have turned to this Court's case law addressing permitting schemes that violated other constitutional rights. In those cases, which primarily addressed the First Amendment, this Court uniformly held that a person does not need to comply with a permit requirement that wrongly deprived them of a constitutional right, and that they may instead disregard the requirement and exercise their right, without fear of punishment. These principles, if applied to the Second Amendment, would mean that a state cannot punish a person for carrying a handgun without a permit when such a permit was unavailable due to an unconstitutional heightened self-defense requirement. Indeed, courts in some jurisdictions have already held or indicated as much.

Courts in New Jersey, however, have reached a different conclusion. As discussed below, New Jersey's Appellate Division has held that the Second Amendment is entitled to lesser protection than the First Amendment and that prosecutions for possessing a handgun without a permit can proceed even when, as in the case of Petitioner Shawn Reeves, the person applied for a permit under the old scheme and satisfied every requirement for a permit other than an unconstitutional heightened need for self-defense requirement. The Question Presented is therefore:

Does prosecuting a person for possessing a firearm without a permit violate the Second and Fourteen Amendments when that person was unable to receive such a permit solely due to an unconstitutional requirement that he establish a heightened need for self-defense?

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Shawn Reeves petitions for a writ of certiorari to review the March 6, 2023, judgment and decision of the Superior Court of New Jersey, Appellate Division, which affirmed Mr. Reeves's conviction for possessing a handgun without a proper permit.

OPINIONS BELOW

The opinion of the Superior Court of New Jersey, Appellate Division (App. 1-25) is unreported. The order of the Supreme Court of New Jersey denying Petitioner's petition for certification (App. 26) is reported at *State v. Reeves*, 295 A.3d 216 (N.J. 2023). The order of the Supreme Court of New Jersey denying Petitioner's motion for reconsideration (App. 27) is reported at *State v. Reeves*, 303 A.3d 392 (N.J. 2023).

JURISDICTION

The Superior Court of New Jersey, Appellate Division filed its opinion on March 6, 2023. (App. 1-25) The Supreme Court of New Jersey denied Petitioner's petition for certification on June 2, 2023. (App. 26) The Supreme Court of New Jersey denied Petitioner's motion for reconsideration on October 24, 2023. (App. 27) This petition for a writ of certiorari is filed within ninety days of the Supreme Court of New Jersey's denial of Petitioner's motion for reconsideration. This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The Second Amendment of the United States Constitution states:

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.

Section one of the Fourteenth Amendment of the United States Constitution states in pertinent part:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law

N.J. Stat. Ann. § 2C:39-5b(1) provides in pertinent part:

Any person who knowingly has in his possession any handgun, including any antique handgun, without first having obtained a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of a crime of the second degree.

At all relevant times, N.J. Stat. Ann. § 2C:58-4(c) provided in pertinent part:

No application [for a permit to carry a handgun] shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in 2C:58-3c., that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun.

STATEMENT OF THE MATTER INVOLVED

This petition arises from New Jersey’s prosecution of Mr. Reeves for carrying a handgun in public without a proper permit. At the time of his arrest, Mr. Reeves served as a county constable and worked as a security guard. Over a year before his arrest, Mr. Reeves applied for and obtained a permit to carry a handgun in public. The permit, however, only allowed Mr. Reeves to carry a handgun “during and in the course” of his employment as a security guard. This limitation was put in place because Mr. Reeves only established a heightened need for self-defense while working as a security guard. Mr. Reeves’s arrest, prosecution, and conviction for the gun charge were based on his failure to abide by this limitation.

A. Factual Background

On August 3, 2015, Mr. Reeves applied for a permit to carry a handgun in public. App. 8. As part of the application process, Mr. Reeves trained on how to safely carry and handle a handgun, App. 31, obtained endorsements from three people as to his “good moral character and behavior[,]” App. 33-35, 47-49, and underwent a background check showing that he had “no arrest record” or criminal history. App. 37. The application was reviewed by the Newark, New Jersey Department of Police and a Superior Court Judge. App. 36-37, 50. The Department and the judge found that Mr. Reeves satisfied every requirement to obtain a permit, including that he was not subject to any disqualifying “disabilities” and that he was “thoroughly familiar with the safe handling and use of handguns,” N.J. Stat. Ann. § 2C:58-4c. App. 36-37, 50.

The Department and the judge also found that Mr. Reeves established “a justifiable need,” meaning a heightened need for self-defense, as was then required to obtain a carry permit. App. 37, 50; *see* N.J. Admin. Code § 13:54-2.4(d)(1). However, they found that Mr. Reeves only established this “justifiable need” “in certain circumstances”: specifically, while working as a security guard. App. 37, 50. Because Mr. Reeves did not demonstrate a heightened need for self-defense in other circumstances, he was granted only a limited permit to carry a handgun “during and in the [the] course of [his] employment,” and was not allowed to carry a handgun for self-defense at any other time. App. 8, 50-51.

This limitation ultimately led to Mr. Reeves being prosecuted for unlawfully possessing a handgun, N.J. Stat. Ann. § 2C:39-5b(1). App. 3. That charge arose from a motor-vehicle stop on October 7, 2016, during which Mr. Reeves possessed a gun and allegedly made statements indicating that he was not working at the time. App. 4-5. Mr. Reeves was also arrested on the charge of impersonating a police officer, N.J. Stat. Ann. § 2C:28-8, after he allegedly claimed to be a police officer during the stop. App. 3-5. Mr. Reeves was convicted by a jury on both counts and was sentenced to two years of probation and 100 hours of community service. App. 3-4.

B. The Appellate Division Affirms Mr. Reeves’s Conviction.

Mr. Reeves appealed his convictions on multiple grounds. App. 5-7. Relevant to this petition, Mr. Reeves argued that his conviction for possessing a handgun without a proper permit was invalid under *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022), which clarified that the Second Amendment protects the right to

carry a firearm in public, and which struck down permitting laws, like New Jersey's, that prevented people from exercising that right absent a heightened need for self-defense. Specifically, Mr. Reeves argued that his conviction could not stand because the sole reason he was not allowed to carry a gun outside of his employment -- and thus the sole reason he was prosecuted under N.J. Stat. Ann. § 2C:39-5b(1) -- was his failure to satisfy the unconstitutional justifiable-need requirement. App. 6-9.

On March 6, 2023, a three-judge panel of the Superior Court of New Jersey, Appellate Division, issued an unpublished opinion affirming Mr. Reeves's convictions. App. 1-25. The court recognized that the justifiable-need requirement that limited Mr. Reeves's permit to carry a handgun was "unconstitutional" but held that Mr. Reeves could still be criminally punished for failing to comply with that limitation. App. 7-9. Specifically, the court held that Mr. Reeves was "obliged to comply with the court-ordered restrictions in the permit[,]” regardless of their constitutionality, and regardless of whether he “would have been granted an unrestricted permit if the justifiable-need requirement did not exist.” App. 8-9. The court did not cite to any supporting authority. App. 7-9.

C. The New Jersey Supreme Court Declines to Hear the Case.

Mr. Reeves then filed a petition for certification with the New Jersey Supreme Court. The Supreme Court denied Mr. Reeves's petition on June 2, 2023, App. 26, and his subsequent motion for reconsideration on October 24, 2023. App. 27.

REASONS FOR GRANTING THE WRIT

The Appellate Division’s decision, which allows New Jersey to punish an individual for exercising their constitutional right to carry a firearm in self-defense simply because they could not comply with an unconstitutional permitting requirement, warrants this Court’s review for three main reasons. First, the opinion violates this Court’s precedents concerning unconstitutional permitting schemes and the Second Amendment. Second, the opinion conflicts with the holdings of other state courts that have applied this Court’s permitting scheme and Second Amendment case law to address the question presented. Third, and finally, this is the ideal case in which this issue should be addressed because the record is clear that Mr. Reeves, who obtained a limited carry permit, would have been entitled to a full permit, and thus would have avoided prosecution for the gun charge, if not for New Jersey’s since-invalidated law that required permit applicants to demonstrate a heightened need for self-defense. The petition addresses each issue in turn.

I. The New Jersey Court’s Decision Conflicts with this Court’s Precedents Holding that a State Cannot Punish a Person for Failing to Comply with an Unconstitutional Permitting Scheme and that the Right to Bear Arms for Self-Defense Is Entitled to the Same Protections as Other Rights.

There is no dispute that Mr. Reeves was subjected to an unconstitutional permitting scheme when he sought to exercise his right to carry a handgun in public. For decades, New Jersey denied its citizens a permit to carry a handgun unless they could establish “a justifiable need,” defined as a “special” and “urgent necessity to carry a handgun for self-protection[.]” *In re Patano*, 60 A.3d 507, 510

(N.J. Super. Ct. App. Div. 2013) (citations omitted), beyond a “[g]eneralized fear[]” for personal safety. *In re Preis*, 573 A.2d 148, 152 (N.J. 1990) (citation omitted). In 2022, however, this Court clarified that the Second and Fourteenth Amendments protect the “right to carry handguns publicly for self-defense[,]” *Bruen*, 597 U.S. at 8-11, and that states violate this right if they require their citizens “to ‘demonstrate a special need for self-protection distinguishable from that of the general community’” to obtain a permit to “carry arms in public.” *Id.* at 70 (quoting *Klenosky v. N.Y. City Police Dep’t*, 428 N.Y.S.2d 256, 257 (N.Y. App. Div. 1980)). Thus, as all agree in this litigation, App. 7-8, New Jersey unconstitutionally denied individuals their right to carry a handgun in public when Mr. Reeves was issued a limited permit to carry a handgun and when he was arrested for exercising his constitutional right to carry a handgun beyond the scope of that limited permit.

Despite the consensus on that point, and its recognition that Mr. Reeves’s permit was unconstitutionally limited, the Appellate Division held that Mr. Reeves was nonetheless “obliged” to honor the limitation placed on his right to carry a handgun, and that the state could criminally punish him for failing to do so. App. 7-9. In so holding, the court disregarded, and failed to even address, this Court’s case law establishing that individuals cannot be prosecuted for failing to comply with unconstitutional permitting requirements. And, by extension, it treated the constitutional right to carry a firearm for self-defense as a second-class right, in direct violation of this Court’s clear instructions to the contrary.

This Court first addressed a prosecution for failing to comply with an unconstitutional permitting scheme in *Smith v. Cahoon*, 283 U.S. 553 (1931). In that case, a private transportation carrier was arrested for operating a vehicle in Florida without having first obtained a “certificate of public convenience and necessity.” *Id.* at 556-57. The defendant would have been “entitled to a certificate, provided he complied fully with the provisions of the act[,]” but he never applied for a certification or otherwise sought to comply with the law. *Id.* at 561-62.

Nonetheless, this Court held that the defendant could not be prosecuted. First, the Court held that the defendant had standing to challenge his prosecution based on the unconstitutionality of the certification scheme, despite having not applied for a certificate, because he had been “arrested and held for trial” as part of the state’s efforts to enforce the scheme. *Id.* at 561-62. The Court then agreed that the scheme was unconstitutional under the Fourteenth Amendment. *Id.* at 562-63, 566-67. Accordingly, the Court held that the constitutional challenge to the permitting scheme was properly raised in defendant’s criminal case, and that the defendant could not be prosecuted because the certification process was unconstitutional and “invalid as applied to” him. *Id.* at 567-68.

The Court subsequently applied these principles to invalidate prosecutions and convictions for failing to comply with other unconstitutional permitting schemes, primarily under the First Amendment. Throughout these cases, the Court has reemphasized that a person need not “yield[] to [the] demands” of an unconstitutional permitting scheme, including to apply for a permit. *Jones v. City of*

Opelika, 316 U.S. 584, 602-03 (1942) (Stone, C.J., dissenting) (citations omitted), *adopted per curiam on rehearing*, 319 U.S. 103, 104 (1943). Rather, “a person faced with such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right . . . for which the law purports to require a license[.]” *Shuttlesworth v. City of Birmingham, Ala.*, 394 U.S. 147, 150-51 (1969), while maintaining the ability to “contest [the permitting scheme’s] validity in answer to the charge” brought against them. *Lovell v. City of Griffin, Ga.*, 303 U.S. 444, 452-53 (1938); *see also Staub v. City of Baxley*, 355 U.S. 313, 319 (1958) (citations omitted) (“[F]ailure to apply for a license under an ordinance which on its face violates the Constitution does not preclude review in this Court of a judgment of conviction under such an ordinance.”). Thus, this Court’s case law establishes that a person may disregard an unconstitutional permitting scheme and that they cannot be punished for engaging in such constitutionally protected conduct.¹

This principle, while primarily applied in the First Amendment context, must apply with equal force to the Second Amendment. “The constitutional right to bear arms in public for self-defense is not ‘a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.’” *Bruen*, 597 U.S. at 70 (quoting *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010)). Rather, the “Second Amendment standard accords with how we protect other constitutional rights[.]” including “the freedom of speech in the First Amendment” *Id.* at 24.

¹ The same is not true if a person disregards a constitutional permitting scheme, even if the scheme was applied in an improper or unlawful manner. *See, e.g., Poulos v. New Hampshire*, 345 U.S. 395, 413-14 (1953) (holding defendants had to comply with “valid” permit scheme and could be prosecuted for failing to do so even if “an official error occurred in refusing a proper application”).

Moreover, this Court has already applied, and indeed first articulated, these principles concerning the Due Process Clause of the Fourteenth Amendment, *Smith*, 283 U.S. at 556-57, the same clause through which the right to keep and bear arms applies to the states. *McDonald*, 561 U.S. at 791.

The above-described principles concerning permitting schemes that violate the First and Fourteenth Amendment must therefore also apply to permitting schemes that violate the Second and Fourteenth Amendments. There is no basis for treating these constitutional rights differently or to conclude that a prosecution for failing to comply with an unlawful gun permit scheme is somehow less constitutionally significant than a prosecution for failing to comply with an unlawful transportation or speech permit scheme. Rather, all such prosecutions serve to enforce unconstitutional permit requirements, such that the prosecution, like the law sought to be enforced, must fail. Accordingly, this Court's permitting case law must apply in the Second Amendment context, such that Mr. Reeves's conviction for failing to procure a proper carry permit cannot stand.

As noted, there is no dispute that New Jersey's permitting scheme violated the Second and Fourteenth Amendments by requiring applicants to demonstrate a heightened need for self-defense. App. 7; *see also State v. Wade*, 301 A.3d 393, 404 (N.J. Super. Ct. App. Div.) ("The holding and analysis in *Bruen* make it clear that the justifiable need provision . . . is unconstitutional under the Second and Fourteenth Amendments. Indeed, the State concedes that point."), *leave for appeal denied*, 303 A.3d 1051 (2023). There is also no dispute that Mr. Reeves applied for

and received a limited permit; that he satisfied every constitutional requirement to obtain a full carry permit; and that his prosecution and conviction were only possible due to his failure to satisfy the unconstitutional justifiable-need requirement. In other words, Mr. Reeves, like the defendants in this Court's earlier permit cases, has been punished for failing to comply with a facially unconstitutional permitting requirement such that his conviction is improper.

The Appellate Division's failure to recognize and remedy this error calls for this Court's intervention. Indeed, the Appellate Division did not even recognize, let alone attempt to distinguish, this Court's precedents on unconstitutional permitting schemes. App. 7-9. And it has indicated elsewhere that it will not "apply wholesale" the protections afforded to the First Amendment "to [the] Second Amendment[,]" *Wade*, 301 A.3d at 404, despite this Court's clear instruction that the Second Amendment is not "subject to an entirely different body of rules than the other Bill of Rights guarantees." *Bruen*, 597 U.S. at 70 (quoting *McDonald*, 561 U.S. at 780). Accordingly, certiorari is needed because the Appellate Division's opinion conflicts with, and disregards, this Court's precedents concerning unconstitutional permitting schemes and the importance of protecting the Second Amendment right to self-defense.

II. The New Jersey Court's Decision Conflicts with the Decisions of Seemingly Every Other Jurisdiction to Address the Question Presented.

The Appellate Division's ruling not only violates this Court's precedents, but also conflicts with how seemingly every other jurisdiction with a similar law has

applied those precedents. Specifically, those other courts have indicated or outright held that individuals prosecuted for failing to obtain a proper carry permit may be entitled to relief if they could have obtained such a permit absent the then-applicable heightened self-defense requirement. The Appellate Division's holding to the contrary is in direct conflict with these rulings, evincing a divide in how this Court's precedents are being interpreted, and further calling for this Court's review.

Bruen invalidated heightened self-defense requirements in seven jurisdictions, including New Jersey. *Bruen*, 597 U.S. at 15. Other than New Jersey, courts in three of these jurisdictions -- the District of Columbia, New York, and California -- have addressed the question of whether the unconstitutionality of that requirement might disturb the prosecutions or convictions of individuals who failed to secure a permit under the since-invalidated permitting schemes. Courts in each of these jurisdictions, unlike the court here, have answered that question in the affirmative, at least as it relates to certain subsets of defendants.²

The most established line of case law comes from the District of Columbia, due to earlier challenges to the District's permitting scheme. In *Plummer v. United States*, 983 A.2d 323, 325-26, 335-37 (D.C. 2009), the Court of Appeals addressed the question of whether a defendant could be convicted for possessing a firearm

² As it relates to the other three jurisdictions, it appears that: (1) the Hawaii courts have not yet substantively addressed *Bruen*; (2) the Maryland courts have recognized the unconstitutionality of that state's old permitting scheme, without addressing its effect on convictions for failing to comply with that scheme, *Matter of Rounds*, 279 A.3d 1048, 1048 (Md. Ct. Spec. App. 2022); and (3) the Massachusetts courts have focused on *Bruen*'s invalidation of case law concerning the Commonwealth's burden of proof in prosecutions for possessing a firearm without a permit. *Commonwealth v. Guardado*, 206 N.E.3d 512, 522, 538-39 (Mass. 2023).

without a permit when such a permit was unavailable to him due to a since-
invalidated ban on ordinary citizens possessing firearms.³ Ultimately, the court
held that the defendant could challenge his conviction, despite having never applied
for a permit, and that his conviction had to be reversed if he “could have
successfully obtained a [permit] prior to the imposition of charges,” absent the
unlawful gun ban. *Id.* at 342. Because the defendant had never applied for a permit,
and the record did not otherwise establish his qualifications, the court remanded for
a hearing to determine whether the defendant could have obtained a permit and, if
so, to reverse his conviction and dismiss the charge against him. *Ibid.*

The Court of Appeals continued to apply this framework after the U.S. Court
of Appeals for the District of Columbia held that the District’s law requiring people
to demonstrate a heightened need for self-defense to secure a carry permit violated
the Second Amendment. *See Wrenn v. District of Columbia*, 864 F.3d 650, 667 (D.C.
Cir. 2017). Specifically, the Court of Appeals has denied relief to individuals who
could not have obtained a permit even absent the invalid self-defense requirement,
see Newman v. United States, 258 A.3d 162, 166 (D.C. 2021) (affirming conviction
where defendant “had a prior felony conviction that would have made him
ineligible” for permit); *Hooks v. United States*, 191 A.3d 1141, 1146 (D.C. 2018)
(same), while allowing such relief for a person who was “otherwise qualified to
receive a license[.]” such “that the ‘good reason’ requirement in effect at the time of
his arrest unconstitutionally precluded him from obtaining a license to carry a

³ This Court found that the District’s gun ban violated the Second Amendment in *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008).

pistol.” *Dubose v. United States*, 213 A.3d 599, 605 (D.C. 2019); *see also Golden v. United States*, 248 A.3d 925, 948 (D.C. 2021) (stating defendant would be entitled to relief on remand if “but for the ‘good reason’ requirement, [he] would have been eligible and able to register and obtain a license to carry his gun”).

Courts in New York have drawn a similar line post-*Bruen*. Those courts have rejected challenges from defendants who likely would have been disqualified from obtaining a permit even absent the state’s unconstitutional “proper cause” requirement, along with most defendants who never applied for a permit. *See People v. Brundige*, 182 N.Y.S.3d 595, 620-21 (N.Y. Sup. Ct. 2023) (defendant never applied for permit and had prior felony conviction); *People v. Rodriguez*, 171 N.Y.S.3d 802, 804 n.2, 804-05 (N.Y. Sup. Ct. 2022) (same); *People v. Caldwell*, 173 N.Y.S.3d 918, 922-23 (N.Y. Sup. Ct. 2022) (same); *People v. Williams*, 175 N.Y.S.3d 673, 927-31 (N.Y. Sup. Ct. 2022) (defendant never applied for permit and did not show he “could have overcome the constitutionally permissible restrictions” that remained). But, like the D.C. courts, the New York courts have also recognized that relief may be available to a person who possessed a limited permit; “who sought but was denied a concealed carry license under the old, unconstitutional regime,” *Rodriguez*, 171 N.Y.S.3d at 804-5; *see also Brundige*, 182 N.Y.S.3d at 620-21 (suggesting relief could be available to individuals who were “law-abiding, adult citizens” with “restricted New York permit licenses”); or who would have otherwise been qualified to obtain a full permit absent the “proper cause” requirement. *See People v. Sovey*, 179 N.Y.S.3d 867, 871-72 (N.Y. Sup. Ct. 2022) (holding defendant was entitled to relief “[i]f

what discouraged and prevented [him] from applying for and receiving a license was [the] unconstitutional ‘special need’ provision” and ordering a hearing to make that determination); *see also Caldwell*, 173 N.Y.S.3d at 923 (suggesting relief could be available in a case where, “had the defendant applied for . . . a license, he would have been denied a license under a now unconstitutional provision”).

The California Court of Appeal has also endorsed this framework. Thus, it has denied relief to individuals who “never sought and could not have qualified for a concealed carry license for reasons having nothing to do with the ‘good cause’ requirement[,]” *In re D.L.*, 93 Cal.App.5th 144, 161 (Cal. Ct. App. 2023), while noting that prosecutions for possessing a firearm without a permit may be unconstitutional when the defendant’s ineligibility “turned on the good cause requirement.” *In re T.F.-G.*, 312 Cal.Rptr.3d 685, 703 (Cal. Ct. App. 2023).

These cases demonstrate a near consensus that *Bruen* must afford relief to at least some defendants charged or convicted of possessing a firearm without a permit when such a permit was contingent on demonstrating a heightened need for self-defense. While some courts would limit relief based on whether the defendant applied for a permit or otherwise established his eligibility, no court, save for the one in this case, has even suggested that a conviction could stand when the person both applied for a permit and demonstrated his eligibility for a permit absent the self-defense requirement. Indeed, the opinion in this case even conflicts with that of a separate New Jersey appellate panel, which suggested that relief could be available to defendants, like Mr. Reeves, if they applied for a permit and the record

established that they “would have been granted a gun-carry permit but for the justifiable need requirement.” *Wade*, 301 A.3d at 403.

Thus, the Appellate Division’s opinion denying relief to Mr. Reeves -- who applied for a permit and whose qualifications to obtain a full permit absent the justifiable need requirement were beyond dispute -- departs not only from this Court’s precedents, but also from the other state courts that have addressed the same issue. This conflict, which the New Jersey Supreme Court declined to address, further demonstrates the erroneous nature of the lower court’s decision affirming Mr. Reeves’s conviction and the need for this Court’s intervention, both to provide necessary guidance and to ensure that the constitutional right to bear arms for self-defense is fully protected in all fifty states.

III. This Case Presents the Ideal Vehicle for Resolving the Question Presented.

This case has all the attributes of an ideal vehicle for addressing the question presented. *Bruen*’s effect on prosecutions and convictions for possessing a firearm without a permit is the only issue in this case. The question is outcome-determinative for Mr. Reeves’s gun charge. And Mr. Reeves is the model petitioner for whom relief under *Bruen* must be afforded, if any is to exist.

As discussed, Mr. Reeves applied for and obtained a carry permit that was limited solely based on his lack of a heightened need for self-defense. In obtaining this permit, Mr. Reeves established his eligibility to obtain a full permit, and that he would have obtained such a permit, and avoided prosecution, if not for New Jersey’s then-unconstitutional self-defense requirement. This factual background

would have seemingly entitled Mr. Reeves to the reversal of his conviction in any other jurisdiction that has addressed the question presented. Yet Mr. Reeves's conviction has remained undisturbed in New Jersey.


In sum, the Appellate Division has ruled that a person may be criminally punished for exercising their Second Amendment right to carry a handgun for self-defense simply because they did so without satisfying an unconstitutional permitting requirement. This decision stands alone, in conflict with this Court's precedents and the holdings of other courts to address the issue. This Court should grant the petition for certiorari to resolve this dispute and to protect the Second Amendment rights of Mr. Reeves and all other New Jerseyans.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

JOSEPH E. KRAKORA, Esq.
New Jersey Public Defender
Attorney for the Petitioner



CODY T. MASON, Esq.
New Jersey Deputy Public Defender
Counsel of Record

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