

1 Fooks contended that his conviction under Section 5-133(b)(2) and Section 5-205(b)(2) violated
2 the Second Amendment because the prior common law criminal contempt conviction for failing
3 to pay child support could not be used as a disqualifying offense under the Second Amendment.
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5 The Court of Special Appeals sustained the convictions and rejected Fooks' Second
6 Amendment defense. Applying *Bruen*, the Court of Special Appeals held that nothing in *Buren*
7 changed the principle, articulated by the Court in *District of Columbia v. Heller*, 554 U.S. 570,
8 626-27 (2008), that the Second Amendment did not ban “prohibitions on the possession of
9 firearms by felons and the mentally ill.” *Fooks*, slip op. at 5, 6. The Court of Special Appeals
10 recognized that in *Bruen* “the Supreme Court declined to adopt both prongs of the two-prong test”
11 for assessing Second Amendment challenges, and had thus rejected “means-ends scrutiny in the
12 Second Amendment context.” Slip op. at 11. The Court of Special Appeals also recognized that
13 *Buren* “defines the boundaries of firearms regulation solely in historical terms.” (*Id.* at 12). See
14 also *id.* at 6 (“The Court defined those boundaries solely by reference to historical traditions of
15 firearms regulation and eliminated any means-ends analysis of those laws.”). Applying these
16 principles, the Court of Special Appeals held that Fooks was properly considered to be a
17 disqualified person for purposes of applying Section 5-133(d)(2) and Section 5-205(b)(2).
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21 The analysis and reasoning applied in *Fooks* supports summary reversal here. Unlike the
22 defendant in *Fooks*, it is undisputed that petitioner here is a responsible, law-abiding citizen. As
23 noted in the motion for summary reversal, petitioner was denied a carry permit *solely* because the
24 State Police found that he lacked a “good and substantial reason” for a permit under MD Code,
25 Public Safety, § 5-306(a)(6)(ii). *Fooks* correctly recognizes that “firearms regulation” must be
26 justified “solely in historical terms” and that “means-end scrutiny” can no longer be used to justify
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1 such regulations. That analysis applies here. As the motion for summary reversal details, *Buren*
2 holds that law-abiding, responsible citizens have a constitutional right to armed self-defense
3 outside the home, and there is no “historical” justification for limiting that right only to persons
4 who have a “special need” to protect themselves. See *Bruen*, slip op. at 24-25 n.8 (we conclude . . .
5 that a State may not prevent law-abiding citizens from publicly carrying handguns because they
6 have not demonstrated a special need for self-defense”). That is the end of the inquiry. Summary
7 reversal is appropriate.
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9 10 **CONCLUSION**

11 For all the foregoing reasons, and for the reasons set forth in petitioner’s motion for
12 summary reversal, this Court should summarily reverse the decision of the Office of
13 Administrative Hearings and remand with instructions to order the Maryland State Police to issue
14 a carry permit to petitioner without further delay.
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16 Respectfully submitted,
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18 */s/ Mark W. Pennak*

19 MARK W. PENNAK
20 MARYLAND SHALL ISSUE, INC.
21 9613 Harford Rd, Ste C #1015
22 Baltimore, MD 21234-21502
23 mpennak@marylandshallissue.org
24 Phone: (301) 873-3671
25 MD Atty No. 1905150005
26
27
28

1 **CERTIFICATE OF SERVICE**

2 The undersigned counsel hereby certifies that on June 30, 2022, foregoing PETITIONER'S
3 NOTICE OF SUPPLEMENTAL AUTHORITIES was served via electronic MDEC service on all
4 counsel, including the following counsel:
5

6 Mark H. Bowen
7 Assistant Attorney General
8 Department of State Police
9 1201 Reisterstown Road
10 Pikesville, MD 21208
11 (410) 653-4226

12 */s/ Mark W. Pennak*
13 MARK W. PENNAK
14 Counsel for Petitioner
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