No. 23-

IN THE
Supreme Court of the United States

MELYNDA VINCENT,
Petitioner,

v.

MERRICK GARLAND,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit

PETITION FOR A WRIT OF CERTIORARI

SAM MEZIANI
AMBERLY PAGE
GOEBEL ANDERSON PC
405 South Main Street
Suite 200
Salt Lake City, UT 84111
(801) 441-9393

JEREMY DELICINO
JEREMY DELICINO LLP
Exchange Place,
Suite 600
Salt Lake City, UT 84111
(801) 364-6474

JEFFREY T. GREEN*
TOBIAS S. LOSS-EATON
DANIELLE HAMILTON
NORTHWESTERN SUPREME COURT PRACTICUM
375 East Chicago Avenue
Chicago, IL 60611
(312) 503-1486
jgreen@sidley.com

Counsel for Petitioner

* Counsel of Record

December 21, 2023

QUESTION PRESENTED

Whether the Second Amendment allows the federal government to permanently disarm Petitioner Melynda Vincent, who has one 15-year-old nonviolent felony conviction for trying to pass a bad check.

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Petitioner is Melynda Vincent, an individual residing in the state of Utah.

Respondent is Merrick B. Garland, Attorney General of the United States.

Sean Reyes, Attorney General of the State of Utah, was a defendant-appellee below, but was dismissed from the case in the court of appeals.

No corporate parties are involved in this case.

RULE 14.1(B)(iii) STATEMENT

This case arises from the following proceedings in the U.S. District Court for the District of Utah and the U.S. Court of Appeals for the Tenth Circuit:

Vincent v. *Garland*,
No. 2:20-cv-00883-DBB (D. Utah Oct. 5, 2021)

Vincent v. *Garland*,
No. 21-4121 (10th Cir. Sept. 15, 2023)

No other proceedings are directly related to this case.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES Page

STATUTES

SCHOLARLY AUTHORITIES

PETITION FOR A WRIT OF CERTIORARI

Melynda Vincent respectfully petitions for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Tenth Circuit.

OPINIONS AND ORDERS BELOW

The Tenth Circuit's opinion is reported at 80 F.4th 1197 and reproduced at Pet. App. 1a–14a. The district court's unreported decision is available at 2021 WL 4553249 and reproduced at Pet. App. 15a–21a.

STATEMENT OF JURISDICTION

The district court had jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1346 because Ms. Vincent's claim arises under the Constitution and laws of the United States. The court of appeals had jurisdiction under 28 U.S.C. § 1291 because Ms. Vincent timely appealed the district court's final judgment disposing of all claims.

This Court has jurisdiction under 28 U.S.C. § 1254(1) because the court of appeals issued its judgment on September 15, 2023, and on December 5, 2023, Justice Gorsuch extended the deadline to file this petition to December 21, 2023.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Second Amendment provides:

> 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.

18 U.S.C. § 922(g)(1) provides:

> It shall be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year . . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

INTRODUCTION

This case presents an important question of constitutional law that is subject to a growing circuit split: Whether the Second Amendment allows the government to permanently disarm a U.S. citizen who has a years-old non-violent felony conviction. This Court's review is necessary—as the Solicitor General agrees—to resolve the circuit split and provide much-needed guidance to the lower courts. See Petition for Writ of Certiorari at 7, *Garland* v. *Range*, No. 23-374 (*Range* Pet.).

Review is also warranted because the decision below is wrong. The Tenth Circuit refused to apply the analysis mandated by *New York State Pistol & Rifle Association* v. *Bruen*, 597 U.S. 1 (2022), instead following pre-*Bruen* circuit precedent to reject Ms. Vincent's as-applied challenge to § 922(g)(1). That was error. Text, history, and tradition demonstrate that the government cannot permanently disarm Ms. Vincent—a single mother, social worker, adjunct college professor, and nonprofit founder with two graduate degrees—solely because of a fifteen-year-old conviction for passing a bad check for $498.12.

This case is also the best vehicle to decide this question. No one contends that Ms. Vincent would pose an

danger beyond the ordinary citizen if she possessed a firearm for self-defense. And this case presents none of the threshold problems that mean the pending petition in *Garland* v. *Range* "may not be the optimal vehicle for resolving Section 922(g)(1)'s constitutionality." See Reply Brief for Petitioners at 10, *Range*, No. 23-374 (*Range* Reply). Unlike in *Range*, Ms. Vincent's Article III standing is clear and undisputed. And unlike in *Range*, her prior offense is expressly classified as a felony. See *id.*

This Court should grant certiorari to resolve this important question.

STATEMENT OF THE CASE

Ms. Vincent is a licensed clinical social worker, business owner, mother, and public-health activist. Am. Compl. ¶ 7, *Vincent* v. *Garland*, 2:20-cv-883-DBB (D. Utah Oct. 5, 2021). She has no history of violent behavior or other conduct that suggests she could not responsibly possess a firearm for self-defense. See *id.* ¶¶ 8, 37–38 & Ex. A. And for more than fifteen years, she has been a law-abiding citizen.

In 2008, Ms. Vincent was convicted of federal felony bank fraud and sentenced to probation for presenting a fraudulent check for $498.12 at a grocery store. *Id.* ¶¶ 9–10, 16–17; see 18 U.S.C. § 1344. The offense occurred in March 2007. Ms. Vincent completed her probationary sentence without incident, then earned a degree from Utah Valley University and two from the University of Utah. Am. Compl. ¶¶ 20–22 & Ex. A. In 2016, Ms. Vincent started her own therapy and counseling practice and founded the Utah Harm Reduction Coalition, a non-profit organization that works to develop, draft, and implement humane, science-driven drug policies and criminal-justice reform and provides treatment to those struggling with addiction. *Id.* ¶ 24.

Ms. Vincent is a single mother who wants to keep a firearm for protection. *Id.* ¶ 28. And because her children regularly enjoy lawful shooting activities like hunting, she hopes that being able to possess a firearm will allow her to spend more time with her family. *Id.* ¶ 29.

Ms. Vincent thus brought this action to vindicate her constitutional right to possess a firearm. *Id.* ¶ 39. She sought a declaration that § 922(g)(1) is unconstitutional as applied to her and an injunction barring the Attorney General from enforcing the statute against her. See *id.* ¶ 31. The district court dismissed the case based on circuit precedent. Pet. App. 18a–19a.

On appeal, the Tenth Circuit stayed proceedings until this Court decided *Bruen*. C.A. Dkt. No. 17. *Bruen* held that, to survive Second Amendment scrutiny, the government must "affirmatively prove that [a] firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." *Bruen*, 597 U.S. at 19.

Even so, the Tenth Circuit ultimately affirmed the dismissal of Ms. Vincent's suit without applying *Bruen*'s historical analysis. Pet. App. 8a–9a. Instead, the court explained that pre-*Bruen* circuit precedent had categorically upheld § 922(g)(1) based on this Court's statement in *District of Columbia* v. *Heller*, 554 U.S. 570, 626 (2008), that its decision did not "cast doubt on longstanding prohibitions on the possession of firearms by felons." Pet. App. 6a (citing *United States* v. *McCane*, 573 F.3d 1037, 1047 (10th Cir. 2009)). The Tenth Circuit then reasoned that, because *Bruen* did not "appear to question the constitutionality" of felon-disarmament laws, the court did not need to apply *Bruen*'s "new test" before holding § 922(g)(1) constitutional, regardless of "the type of felony in-

volved." *Id.* at 8a. Judge Bacharach concurred, explaining that, because § 922(g)(1)'s validity "would remain debatable even under the Supreme Court's new test," *Bruen* did not "implicitly abrogate our precedent." *Id.* at 10a.

REASONS FOR GRANTING THE PETITION

I. The circuits are split over the validity of a federal statute implicating basic constitutional rights.

There is a growing 2–1 circuit split over the constitutionality of § 922(g)(1) as applied to people with nonviolent felony convictions. Like the Tenth Circuit in this case, the Eighth Circuit has upheld § 922(g)(1) as applied to all felons. *United States* v. *Jackson*, 69 F.4th 495, 501–06, *reh'g en banc denied*, 85 F.4th 468 (2023); *United States* v. *Cunningham*, 70 F.4th 502, 506 (2023). Those decisions conflict directly with the Third Circuit's *en banc* decision in *Range* v. *Attorney General*, 69 F.4th 96 (2023), in which the government has petitioned for this Court's review.

1. Below, the Tenth Circuit held that § 922(g)(1) is constitutional as applied to "*any* convicted felon's possession of a firearm." Pet. App. 9a. The court did not apply *Bruen*'s text, history, and tradition test. Instead, it relied on pre-*Bruen* circuit precedent, which in turn relied on dicta from *Heller*. As a result, the Tenth Circuit has never examined the historical basis (or lack thereof) for disarming people like Ms. Vincent, who never posed a physical danger to others. Nor has it required the government to "affirmatively prove that [§ 922(g)(1)] is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." *Bruen*, 597 U.S. at 19. And the Tenth Circuit's rule is categorical: No as-applied challenge to § 922(g)(1) is viable. Pet. App. 9a, 14a & n.3.

2. The Eighth Circuit has also held that § 922(g)(1) is constitutional as applied to anyone with a felony conviction, finding "no need for felony-by-felony litigation" on the issue. *Jackson*, 69 F.4th at 501–02. After noting *Heller*'s observations about the permissibility of disarming felons, the Eighth Circuit (unlike the Tenth) examined the Nation's history of firearms regulations. *Id.* That history, the court explained, included a tradition of legislatures disarming those who violate the society's laws or, alternatively, designating certain classes of people as more "dangerous" than others. *Id.* at 503–04. In light of this supposed historical power to disarm the entire class of felons, *Jackson* concluded that § 922(g)(1) is valid across the board. *Id.* at 502.

Applying this reasoning, the Eighth Circuit has now rejected Second Amendment challenges to § 922(g)(1) as applied to a person with two convictions for sale of a controlled substance, *id.* at 498, and a person with a DUI conviction and a prior felon-in-possession conviction, *Cunningham*, 70 F.4th at 504.

3. The Third Circuit's decision in *Range* conflicts directly with the Eighth and Tenth Circuit rulings. Sitting *en banc*, the Third Circuit conducted a full *Bruen* analysis to find § 922(g)(1) unconstitutional as applied to someone previously convicted of a Pennsylvania state offense for making false statements to obtain food stamps. 69 F.4th at 98.

The *Range* court first held that the plaintiff was among "the people" protected by the Second Amendment. 69 F.4th at 101 (citing *Heller*, 554 U.S. at 625). It then concluded that the government had "not carried its burden" under *Bruen* to demonstrate that "applying § 922(g)(1) to Range" was "consistent with the Nation's historical tradition of firearm regulation." *Id.* at 103 (quoting *Bruen*, 597 U.S. at 24). In doing so, the

court rejected the government's arguments that § 922(g)(1) was supported by historical status-based disarmament laws, capital-punishment schemes, and forfeiture regimes. *Id.* at 103–06. The Third Circuit provided little elaboration, however, as to the scope of its rule, concluding only that the government could not disarm "people like Range." *Id.* at 106.

These decisions create a clear circuit conflict. Because the Third Circuit ruled *en banc* and the Eighth Circuit denied rehearing *en banc* (over a four-judge dissent), 85 F.4th at 469, the split is already entrenched. And it will only deepen, as the government agrees. *Range* Pet. 25, 27; *e.g.*, *Atkinson* v. *Garland*, 70 F.4th 1018, 1023 (7th Cir. 2023) (remanding Second Amendment challenge to § 922(g)(1) in light of *Bruen*); *United States* v. *Bullock*, No. 18-cr-165, 2023 WL 4232309 (S.D. Miss. June 28, 2023) (dismissing § 922(g)(1) charge on Second Amendment grounds).

II. The decision below is wrong.

Under *Bruen*'s historical test, the decision below cannot stand. Section 922(g)(1) violates the Second Amendment as applied to Ms. Vincent because our historical tradition of firearms regulation does not permit the federal government to permanently disarm someone based *solely* on the fact of a prior non-violent criminal conviction. That is true especially where no evidence suggests that the person poses, or has *ever* posed, a threat to anyone else.

A. The Tenth Circuit failed to apply *Bruen*'s history-and-tradition test.

This Court made clear only two Terms ago that for a firearms regulation to survive a Second Amendment challenge, "the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to

keep and bear arms." *Bruen*, 597 U.S. at 19; see also *Jackson*, 85 F.4th at 469 (Stras, J., dissenting from denial of rehearing *en banc*) (collecting cases noting the government's burden). Even so, the Tenth Circuit conducted no analysis of text, history, and tradition. Pet. App. 8a–9a.

The Tenth Circuit's failure is exactly the sort of "narrowing from below" that marked the post-*Heller* judicial landscape, and which was explicitly rejected by *Bruen* itself. Cf. Richard M. Re, *Narrowing Supreme Court Precedent from Below*, 104 Geo L.R. 921, 960–63 (2016) (celebrating the circuit courts' then-"defiance" of *Heller*'s best reading and approving of *Heller* being rendered "mostly symbolic"); see also *Rogers* v. *Grewal*, 140 S. Ct. 1865, 1867 (2020) (Thomas, J., dissenting from denial of certiorari) ("With what other constitutional right would this Court allow such blatant defiance of its precedent?"). The Court intervened with *Bruen* when lower courts failed to heed *Heller* and *McDonald*'s methodological approaches, and it should do so again to reinforce *Bruen*'s command. See *Bruen*, 597 U.S. at 17–23 (citing *Heller*, 554 U.S. at 634; *McDonald* v. *City of Chicago,* 561 U.S. 742, 790–91 (2010)).

B. Text, history, and tradition show that the government cannot permanently disarm people merely because of non-violent criminal convictions.

Under the proper analysis, § 922(g)(1) cannot constitutionally apply to Ms. Vincent. First, she is indisputably among "the people" protected by the Second Amendment. Second, there was no history or tradition of permanently disarming non-violent offenders when the Second Amendment was ratified. Thus, § 922(g)(1)'s permanent prohibition on firearm possession by non-violent offenders—even those who have

been indisputably reformed and pose no threat to others—is overbroad.

1. Ms. Vincent is among "the people" protected by the Second Amendment.

Under *Bruen*, the first question is whether the Second Amendment's text protects Ms. Vincent. 597 U.S. at 24. The Government below and elsewhere has argued that, "the Second Amendment's protections are limited to those who are 'members of the political community' and 'law-abiding, responsible citizens.'" Brief for Federal Appellees at 23, *Vincent* v. *Garland*, No. 21-4121 (10th Cir., Jan. 17, 2023) (Gov't C.A. Br.) (quoting *Heller*, 554 U.S. at 580). But Ms. Vincent's felony conviction did not remove her from "the people" protected by the Second Amendment.

As the Third Circuit correctly understood in *Range*, American citizens with prior felony convictions are among "the people" protected by the Bill of Rights—including the Second Amendment. See 69 F.4th at 101–02. "[O]ther Constitutional provisions reference 'the people,'" including the First and Fourth Amendments. *Id.* "Unless the meaning of the phrase 'the people' varies from provision to provision—and the Supreme Court in *Heller* suggested it does not—to conclude" that felons are "not among 'the people' for Second Amendment purposes would exclude" them from those other rights as well. *Id.* There is "no reason to adopt an inconsistent reading of 'the people.'" *Id.*

Against this, the government places great weight on this Court's past invocations of the "law-abiding, responsible" citizen, claiming that this language forecloses non-violent, reformed offenders from exercising their Second Amendment rights. Gov't C.A. Br. 23. But because it was assumed the individuals in those cases were ordinary, law-abiding citizens, those descriptors

were dicta. *Range*, 69 F.4th at 101. While ultimately the terms "law-abiding" and "responsible" could prove to be useful shorthands in some Second Amendment contexts, those "expansive," "vague" terms, *id.* at 102, are not talismans that allow the government to avoid its burden to "affirmatively prove" a historical tradition of regulations similar to § 922(g)(1). *Bruen*, 597 U.S. at 19. Instead, any argument that felons, solely because of conviction status, have forfeited their Second Amendment rights would have to independently surmount the *Bruen* text, history, and tradition test.

2. The Government cannot show a historical tradition of permanently disarming non-violent offenders.

Section 922(g)(1) offends the Second Amendment to the extent it prohibits firearms possession based solely on felony conviction status. For a regulation to survive Second Amendment scrutiny, the Government must provide evidence of analogous regulations from the Founding Era to show the regulation at issue comports with our nation's history and tradition of the right to bear arms. Only a historical "analogue" is required, and not a "twin," but courts must consider the "why" and "how" of the challenged regulation and their purported historical counterparts to determine if an analogous relationship exists. *Bruen*, 597 U.S. at 29.

The government cannot show a relevant Founding-Era analogue to either the "why" or the "how" of § 922(g)(1). As to the "why," no evidence has emerged of any significant Founding-era firearms restrictions on citizens like Ms. Vincent who committed only non-violent offenses and posed no physical threat to others. Joseph G.S. Greenlee, *The Historical Justification for Prohibiting Dangerous Persons from Possessing Arms*, 20 Wyo L. Rev 249, 283 (2020). While the historical

record suggests that dangerousness sometimes supported disarmament, conviction status alone did not connote dangerousness to the Founding generation. *Id.* At the Founding, "[p]eople considered dangerous lost their arms. But being a criminal had little to do with it." *Jackson*, 85 F.4th at 470–72 (Stras, J., dissenting from denial of rehearing *en banc*).

As to the "how," no Founding-era evidence has emerged of class-wide, lifetime bans on firearms possession merely because of conviction status. In fact, total bans on felon possession existed nowhere until at least the turn of the twentieth century. Kevin Marshall, *Why Can't Martha Stewart Have A Gun?*, 32 Harv. J.L. & Pub. Pol'y 695, 708 (2009). As then-Judge Barrett explained: "The best historical support for a legislative power to permanently dispossess all felons would be founding-era laws explicitly imposing—or explicitly authorizing the legislature to impose—such a ban. But at least thus far, scholars have not been able to identify *any* such laws." *Kanter* v. *Barr*, 919 F.3d 437, 454 (7th Cir. 2019) (Barrett, J., dissenting) (emphasis added).

Founding-era surety and forfeiture laws are not sufficiently analogous to § 922(g)(1) to survive Second Amendment scrutiny. Unlike § 922(g)(1), Founding-era surety laws at most temporarily deprived an owner of his arms if he was found to pose a unique danger to others. *Bruen*, 597 U.S. at 55–59. By contrast, § 922(g)(1) imposes a permanent ban on a class-wide basis, regardless of a class member's actual peaceableness. Nor were forfeiture laws like § 922(g)(1), because they involved forfeiture only of *specific* firearms. They did not prevent the subject from acquiring replacement arms or keeping other arms they already possessed. See, *e.g.*, Act of Dec. 21, 1771, ch. 540, N.J. Laws 343–44 (providing for forfeiture of hunting rifles

used in illegal gamehunting); Act of Apr. 20, 1745, ch. 3, N.C. Laws 69–70 (same); see also *Range*, 69 F.4th at 104–05 (Krause, J., dissenting).

III. This is an important and recurring question.

The Court should grant the petition because this question is vitally important. A circuit split on the validity of a federal statute alone typically warrants review. See, *e.g.*, *Iancu* v. *Brunetti*, 139 S. Ct. 2294, 2298 (2019). And that is even more true when the question presented concerns the scope of a core constitutional right. Cf. *McDonald*, 561 U.S. at 795–96 (Scalia, J., concurring). The Court should decide whether peaceful American citizens who have paid their debt to society may be permanently deprived of the right to self-defense, despite the Second Amendment's guarantee.

Without the Court's intervention, § 922(g)(1) will deter countless peaceful Americans from possessing firearms for self-defense, with no real benefit to public safety. According to recent data cited by the Eighth Circuit in *Jackson*, only 18.2% of state felony convictions and 3.7% percent of federal felony convictions were for "violent offenses." *Jackson*, 69 F.4th at 502 n.2. That means over eighty percent of state offenders and over ninety-five percent of federal offenders lose their rights to self-defense under § 922(g)(1).

And this is happening even though no evidence suggests that disarming non-violent offenders makes society safer. After all, many state felonies bear no reasonable relation to a risk of violence or irresponsibility with firearms. In Michigan, adultery is a felony punishable by five years' imprisonment. Mich. Comp. Laws § 750.532. In Tennessee, repeatedly sharing streaming websites' passwords is a felony. Tenn. Code Ann. §§ 39-11-106, 39-14-104. In Maryland, using a telephone to make a single anonymous call to annoy or

embarrass, Md. Crim. L. § 3-804(a)(l), or temporarily using someone else's car without their consent, *id.* § 7-203, are punishable by more than a year's imprisonment. In Arizona, "recklessly . . . [d]efacing" a school building—something countless teenaged pranksters have done—is a felony. Ariz. Rev. Stat. § 13-1604(A)(2), (B)(1)(a). In some states, "driving under a suspended license" can be a felony. *E.g.*, *State* v. *Hittle*, 598 N.W.2d 20, 28 (Neb. 1999); *Adams* v. *Commonwealth*, 46 S.W.3d 572, 574 (Ky. Ct. App. 2000). Federal law, too, includes many felonies that involve no danger. For examples, knowingly and unlawfully "export[ing] any fish or wildlife" is punishable by up to five years' imprisonment, 16 U.S.C. § 3373(d)(1), and 18 U.S.C. § 2319B makes it a felony to make an unauthorized recording of a movie in a theater.

Whether engaging in any of these acts forfeits the right to self-defense is an important question this Court should answer.

IV. This case is the best vehicle to decide this question.

The Court should grant this petition because it is the best vehicle to decide this question.

To start, the issue was pressed and passed upon below. Whether § 922(g)(1) can validly apply to Ms. Vincent under the Second Amendment was the sole question presented in the district court and the court of appeals. It was thoroughly briefed and argued at each level. And the Tenth Circuit squarely decided this question, holding that § 922(g)(1) is constitutional as applied to "*any* convicted felon's possession of a firearm." Pet. App. 9a.

And—unlike *Range*—this case raises no threshold issues that could prevent the Court from deciding the question presented or complicate the analysis. As the

government candidly acknowledges, this case "may provide a better vehicle" than *Range* for multiple reasons. Range Reply 23, 27 (referring to *Vincent*). For one thing, one of the Third Circuit judges argued that Mr. Range "had failed to establish Article III standing," an issue "this Court would have an independent obligation to address" before reaching the merits. *Id.* at 27; see 69 F. 4th at 138 (Roth, J., dissenting). For another, *Range* "involves an offense classified by state law as a misdemeanor," and "this Court may prefer to resolve Section 922(g)(1)'s constitutionality in the context of an offense that is expressly classified as a felony—the typical context in which Section 922(g)(1) applies." *Range* Reply 27–28. By contrast, there is no question about Ms. Vincent's standing; she desires to possess a firearm for self-defense, and § 922(g)(1) is the only thing preventing her from doing so. And her offense is expressly deemed a felony. Pet. App. 2a. If, however, the Court grants the *Range* petition, it should grant this petition too, as these distinctions may require different analyses.

Nor should the Court hold this case for *United States* v. *Rahimi*, No. 22-915 (argued Nov. 7, 2023). *Rahimi* involves the *facial* validity of a statute that applies to people who have *not* been convicted of any crime but *have* been individually adjudicated to present a danger to others. See 18 U.S.C. § 922(g)(8)(B)–(C). This case, by contrast, involves the *application* of a statute in the opposite scenario—Ms. Vincent has been convicted of an offense, but that offense involved no violence or danger to others and she has never been found to pose a threat to anyone. Indeed, the Solicitor General argued in *Rahimi* that these cases are governed by different principles: Dangerousness (in *Rahimi*) versus "law-abiding" (here). Oral Arg. Tr. 5–6, 8–9, 12, No. 22-

915. That is, in the government's view, "felon disarmament" can be defended based on "the unique history and tradition with respect to criminal conduct," which *Rahimi* does not implicate. *Id.* at 50.

Finally, Ms. Vincent has waited long enough to vindicate her fundamental right to self-defense. Unlike in *Range*—where the plaintiff prevailed in the Third Circuit and thus had his rights restored already—delay in adjudicating this petition harms Ms. Vincent. As a single mother living in Utah, she merely desires to be able to protect her family. And Utah itself has recently enacted legislation that would allow non-violent, rehabilitated felons like Ms. Vincent to possess firearms. But she is still precluded from doing so by § 922(g)(1), and risks a fifteen-year prison sentence should she try. The Court should grant this petition and hold that she has that right.

CONCLUSION

For these reasons, the petition should be granted.

Respectfully submitted,

SAM MEZIANI
AMBERLY PAGE
GOEBEL ANDERSON PC
405 South Main Street
Suite 200
Salt Lake City, UT 84111
(801) 441-9393

JEREMY DELICINO
JEREMY DELICINO LLP
Exchange Place,
Suite 600
Salt Lake City, UT 84111
(801) 364-6474

JEFFREY T. GREEN*
TOBIAS S. LOSS-EATON
DANIELLE HAMILTON
NORTHWESTERN SUPREME
COURT PRACTICUM
375 East Chicago Avenue
Chicago, IL 60611
(312) 503-1486
jgreen@sidley.com

Counsel for Petitioner

* Counsel of Record

December 21, 2023