

No. 24-1234

In the Supreme Court of the United States

UNITED STATES,

Petitioner,

v.

ALI DANIAL HEMANI.

Respondent.

*ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT*

**BRIEF OF SMART APPROACHES TO
MARJUANA, AMERICANS AGAINST
LEGALIZING MARIJUANA, CANNABIS
INDUSTRY VICTIMS EDUCATING
LITIGATORS, CADCA, DRUG WATCH
INTERNATIONAL INC., DRUG FREE
AMERICA FOUNDATION, SAVE OUR SOCIETY
FROM DRUGS, NATIONAL FAMILIES IN
ACTION, AND 13 MORE AS *AMICI
CURIAE* SUPPORTING PETITIONER**

David Geoffrey Evans

Counsel of record

203 Main St. Suite 250

Flemington, NJ 08822

908-963-0254

www.addictionslaw.com

thinkon908@aol.com

December 2025

TABLE OF CONTENTS

TABLE OF AUTHORITIES	II
INTEREST OF AMICUS CURIAE	1
SUMMARY OF THE ARGUMENT	3
I. REGULAR USE OF MARIJUANA INCREASES THE RISK OF VIOLENCE AND DEVELOPING MENTAL ILLNESS, AND THESE EFFECTS LAST LONG AFTER CONSUMPTION.	4
A. <i>Marijuana use substantially increases one’s risk of developing long-lasting diagnoses of schizophrenia and psychosis.</i>	5
B. <i>Marijuana use dramatically increases one’s risk of violence.</i>	8
CONCLUSION.....	10

TABLE OF AUTHORITIES

Cases

<i>District of Columbia v. Heller</i> , 554 U.S. 570, 626 (2008).....	12
---	----

Other Authorities

A.L. Wilkinson, C.T. Halpern & A.H. Herring, <i>Marijuana Use Is Associated With Worse Outcomes in PTSD Symptom Severity, Violent Behaviour and Alcohol Use</i> , 76 J. CLIN. PSYCHIATRY 1174 (2015), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6258013	9
Alana Colby et al., <i>Associations Between Cannabis-Related Hospital Visits and Psychotic Disorder-Related Hospital Visits in Arizona from 2016 to 2022</i> , 273 DRUG & ALCOHOL DEPENDENCE 112717 (2025)	7
Alex Berenson, <i>Tell Your Children: The Truth About Marijuana, Mental Illness and Violence</i> (Free Press 2019)	10
Am. Psychiatric Ass’n, <i>Diagnostic and Statistical Manual of Mental Disorders: DSM-5</i> 109–15 (5th ed.).....	8
Arianna Marconi et al., <i>Meta-Analysis of the Association Between the Level of Cannabis Use and Risk of Psychosis</i> , 42 SCHIZOPHRENIA. BULL. 1262, 1262 (2016), https://doi.org/10.1093/schbul/sbw003	8

- B. Spunt et al., *The Role of Marijuana in Homicide*,
29 INT'L J. ADDICT. 195, 195–213 (1994),
<https://doi.org/10.3109/10826089409047377>. 10
- David M. Fergusson et al., *Tests of Causal Linkages
Between Cannabis Use and Psychotic
Symptoms*, 100 ADDICTION 354 (2005)..... 7
- Deepak Cyril D'Souza et al., *Cannabinoids and
Psychosis*, 22 CURR. PHARM. DES. 6380 (2016),
<https://tinyurl.com/54usx3td>..... 7
- F. Carabellese, et al., *Cannabis Use and Violent
Behaviour: A Psychiatric Patients Cohort
Study in Southern Italy*, 48 RIV. PSICHIATRIA
43, 43 (2013)..... 9
- G.S. Wang et al., *Cannabis Legalization and
Cannabis-Involved Pregnancy Hospitalizations
in Colorado*, 156 PREV. MED. 106993 (2022) ... 7
- J. van Os et al., *Cannabis Use and Psychosis: A
Longitudinal Population-Based Study*, 156
AM. J. EPIDEMIOL. 319 (2002),
<https://tinyurl.com/bddecyj49>. 7
- Kim Lee, *Heavy cannabis use in three remote
Aboriginal communities in Arnhem Land,
Northern Territory, Australia: patterns of use,
natural history, depressive symptoms and the
potential for community-driven interventions*
(PhD thesis, James Cook Univ. 2008),
<https://researchonline.jcu.edu.au/11729/>..... 10
- Marta Di Forti et al., *High-Potency Cannabis and the
Risk of Psychosis: A Multicentre Case-Control
Study*, 6 LANCET PSYCHIATRY 427, 432 (2019),
<https://doi.org/10.1192/bjp.bp.109.064220> 6

- Matt Brown, *The Effect of Recreational Marijuana Laws on Schizophrenia and Psychotic Disorders* 1 (Working Paper, Univ. of Conn. Dep't of Econ., Feb. 11, 2025), <https://dx.doi.org/10.2139/ssrn.5137873> 5, 6
- National Academies of Sciences, Engineering, and Medicine, *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research* (National Academies Press 2017), <https://doi.org/10.17226/24625>..... 4
- National Institute on Drug Abuse, Cannabis Potency Data (2022), <https://nida.nih.gov/research/research-data-measures-resources/cannabis-potency-data>.... 6
- Nora Penzel et al., Pattern of Predictive Features of Continued Cannabis Use in Patients with Recent-Onset Psychosis and Clinical High-Risk for Psychosis, 8 SCHIZOPHRENIA 19, 19 (2022), <https://doi.org/10.1038/s41537-022-00218-y> 8
- Ragy R. Girgis et al., *Cannabis Involvement and Mass Shooting Events in the United States from 1900 to 2019*, 35 E. ASIAN ARCH. PSYCHIATRY 28 (2025), <https://doi.org/10.12809/eaap2464>. 5
- Roberto Maniglio, *Association Between Peer Victimization in Adolescence and Cannabis Use: A Systematic Review*, 25 AGGRESS. VIOLENT BEHAV. 252 (2015) 9
- Shooter Robin Westman's Weapons' Cache Revealed as Search Warrants Turn Up Pile of Evidence, NY Post (Aug. 29, 2025),

- <https://nypost.com/2025/08/29/us-news/pile-of-evidence-into-minneapolis-church-massacre-revealed-in-search-warrants/> 5
- Sophie L’Heureux, M.D., *Effect of Cannabis Legalization in Canada on the Incidence of Psychosis Consultations in Quebec City’s Psychiatric Emergency Services*, CAN. J. PSYCHIATRY (pub. online Feb. 21, 2024), <https://tinyurl.com/2prnsdsx>..... 7
- Stanislav Z. Spivak et al., *Cannabis and Psychosis Through the Lens of DSM-5*, 16 INT’L J. ENVTL. RES. & PUB. HEALTH 4149 (2019), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6861931>..... 8
- T. Schoeler et al., *Continuity of Cannabis Use and Violent Offending Over the Life Course*, 46 PSYCHOL. MED. 1663 (2016), <https://doi.org/10.1017/S0033291715003001>... 9
- Univ. of Wash. Alcohol & Drug Abuse Inst., *Cannabis Concentration and Health Risks* 4 (2020) 6
- V. Moulin, et al., *Cannabis, a Significant Risk Factor for Violent Behavior in the Early Phase Psychosis: Two Patterns of Interaction of Factors Increase the Risk of Violent Behavior: Cannabis Use Disorder and Impulsivity; Cannabis Use Disorder, Lack of Insight and Treatment Adherence*, 9 FRONT. PSYCHIATRY 294 (2018) 9

INTEREST OF AMICUS CURIAE

Amici curiae are Smart Approaches to Marijuana (SAM), Americans Against Legalizing Marijuana, Cannabis Industry Victims Educating Litigators, CADCA, Drug Watch International Inc., Drug Free America Foundation, Save Our Society from Drugs, National Families in Action, and 14 more organizations.¹ The full list is below.

SAM is the nation's leading public health-focused marijuana policy organization. The organization's mission is to reduce the use and harms of marijuana in society. The organization was co-founded by former Congressman Patrick J. Kennedy and former White House Senior Drug Policy Advisor Kevin Sabet, and is guided by an internationally renowned science advisory board of marijuana researchers and doctors. SAM is joined by organizations that represent many of America's top policy and advocacy leaders in drug use prevention, recovery, treatment, and parent and victim support. They are physicians, scientists, parents, attorneys, educators, and researchers from the health policy community. All share the mission of combating the normalization and commercialization of marijuana and other illicit drugs on the grounds of public health and safety. All are guided by leading researchers, physicians, and the lived and shared experiences of the devastation that comes from marijuana and other drug use and addiction.

¹ No counsel for any party has authored this brief in whole or in part, and no entity or person, aside from *amici's* counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

Given the shared national work *amici* are doing to stop the flow of drugs and their harms to society, they have a strong interest in laws restricting drug users' access to firearms. The evidence is clear: today's highly potent marijuana causes psychosis, schizophrenia, other forms of severe mental illness, and violent behavior. Relaxing restrictions associated with the use of the drug, particularly by allowing users to obtain firearms, will magnify these harms exponentially and devastate America's families. Accordingly, *amici* support Respondent and the continued constitutional validity of 18 U.S.C. § 922(g)(3), as applied to Petitioner.

The full list of *amici* is:

Americans Against Legalizing Marijuana

Breathe Free Oregon

CADCA

Cannabis Impact Prevention Coalition

Cannabis Industry Victims Educating Litigators

Cannabis Industry Victims Seeking Justice

Citizens for a Safe and Healthy Texas

Drug Free America Foundation

Drug Watch International, Inc.

DUID Victim Voices

Every Brain Matters

Foundation for Drug Policy Solutions

Hermosa Coalition for Drug-Free Kids

Illinois Family Institute

National Families in Action

New Jerseyans Against Legalizing Marijuana
North Carolinians Against Legalizing Marijuana
Parents Opposed to Pot
Save Our Society from Drugs
Shasta, Siskiyou, and Lassen County Citizens
Against Marijuana
Smart Approaches to Marijuana
Students Empowered to End Dependency

SUMMARY OF THE ARGUMENT

The state-level legalization of marijuana has spawned big business, with large corporations competing to create stronger products designed to addict users. As marijuana has become a competitive, commercialized product, its potency has soared, leading to substantial harm to public health and safety. The drug has thus become much more deleterious to mental health: Marijuana use is now a leading risk factor for schizophrenia, psychosis, and other forms of mental illness. Marijuana is now also a common denominator in many instances of gun violence. Because of marijuana's causal relationship with an increased risk of mental illness and violence, this Court should affirm the federal prohibition on drug users owning firearms.

ARGUMENT

I. **Regular use of marijuana increases the risk of violence and developing mental illness, and these effects last long after consumption.**

Unlike alcohol use,² marijuana use has long had a documented, causal relationship with schizophrenia and psychosis. *See National Academies of Sciences, Engineering, and Medicine, The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research* (National Academies Press 2017), <https://doi.org/10.17226/24625>. State-level legalization has empowered corporations that, as Big Tobacco did with cigarettes, have altered the marijuana they sell and magnified its harms further. In states with legal marketplaces, cases of schizophrenia and psychosis among marijuana users are rising. *See* Matt Brown, *The Effect of Recreational Marijuana Laws on Schizophrenia and Psychotic Disorders* 1 (Working Paper, Univ. of Conn. Dep't of Econ., Feb. 11, 2025), <https://dx.doi.org/10.2139/ssrn.5137873>.

As rates of marijuana use and its associated mental health harms are rising, the research linking use of the drug to violence grows ever stronger. *See*

² *See* Jussi A. Niemi-Pynttäre et al., *Substance-Induced Psychoses Converting into Schizophrenia: A Register-Based Study of 18,478 Finnish Inpatient Cases*, 74 J. CLIN. PSYCHIATRY e94, e94-99 (2013) (showing that cannabis-induced psychosis converted to schizophrenia at a much higher rate than alcohol-induced psychosis).

Miller et al., *A Review of Cases of Marijuana and Violence*, 17 INT'L J. ENVTL. RES. & PUB. HEALTH 1578 (2020), <https://doi.org/10.3390/ijerph17051578>. Many recent mass casualty events in the United States have involved marijuana use by the perpetrator. *Ibid.*³ Most notably, the individual accused of the Annunciation Catholic Church shooting directly pointed to marijuana use as a cause for disturbed thoughts—and used a legally purchased firearm. Shane Galvin, *Minneapolis Catholic School Shooter Robin Westman's Weapons' Cache Revealed as Search Warrants Turn Up Pile of Evidence*, NY Post (Aug. 29, 2025), <https://nypost.com/2025/08/29/us-news/pile-of-evidence-into-minneapolis-church-massacre-revealed-in-search-warrants/>.

A. Marijuana use substantially increases one's risk of developing long-lasting diagnoses of schizophrenia and psychosis.

States' defiance of federal law by legalizing marijuana has led to dramatic increases in the potency of the drug, changing it so fundamentally as to totally alter its risk and harm profile. *See* National Institute on Drug Abuse, Cannabis Potency Data (2022), <https://nida.nih.gov/research/research-data-measures-resources/cannabis-potency-data>. Only a few decades ago, the average marijuana joint contained 3 to 8 percent THC (the active ingredient). Most retailers today sell products containing up to 99% THC potency. Univ. of Wash. Alcohol & Drug

³ *See also* Ragy R. Girgis et al., *Cannabis Involvement and Mass Shooting Events in the United States from 1900 to 2019*, 35 E. ASIAN ARCH. PSYCHIATRY 28 (2025), <https://doi.org/10.12809/eaap2464>.

Abuse Inst., *Cannabis Concentration and Health Risks* 4 (2020) (noting that certain cannabis concentrates can contain up to 99% THC). Regular use of these highly potent forms of marijuana is now widely established to increase the risk of mental illness. According to a landmark study, regular users of the “old” marijuana (i.e., 5% THC in a joint) were three times more likely than non-users to develop psychosis or schizophrenia, while those using today’s “new” forms (i.e., 85% THC shatter products) were *five* times more likely. Marta Di Forti et al., *High-Potency Cannabis and the Risk of Psychosis: A Multicentre Case-Control Study*, 6 LANCET PSYCHIATRY 427, 432 (2019), <https://doi.org/10.1192/bjp.bp.109.064220>. States that have legalized recreational marijuana have seen a 12% increase in cases of these disorders at mental health facilities. Matt Brown, *The Effect of Recreational Marijuana Laws on Schizophrenia and Psychotic Disorders* 1, 1 (Working Paper, Univ. of Conn. Dep’t of Econ., Feb. 11, 2025), <https://ssrn.com/abstract=5137873>. The scientific evidence proving that marijuana has a strong, likely causal relationship with schizophrenia and psychosis is overwhelming.⁴

⁴ See, e.g., G.S. Wang et al., *Cannabis Legalization and Cannabis-Involved Pregnancy Hospitalizations in Colorado*, 156 PREV. MED. 106993 (2022); Sophie L’Heureux, M.D., *Effect of Cannabis Legalization in Canada on the Incidence of Psychosis Consultations in Quebec City’s Psychiatric Emergency Services*, CAN. J. PSYCHIATRY (pub. online Feb. 21, 2024), <https://tinyurl.com/2prnsdsx>; Alana Colby et al., *Associations Between Cannabis-Related Hospital Visits and Psychotic Disorder-Related Hospital Visits in Arizona from 2016 to 2022*, 273 DRUG & ALCOHOL DEPENDENCE 112717

Alcohol's relationship with mental distress typically ends when the user is no longer feeling its effects. Marijuana's relationship with mental illness is often only getting started there: When regular marijuana users develop cases of schizophrenia or psychosis, these ailments often endure. According to a large meta-analysis conducted by *Schizophrenia Bulletin*, cannabis use can lead to "long-lasting" psychotic disorders. Arianna Marconi et al., *Meta-Analysis of the Association Between the Level of Cannabis Use and Risk of Psychosis*, 42 SCHIZOPHRENIA. BULL. 1262, 1262 (2016), <https://doi.org/10.1093/schbul/sbw003>. A recent peer-reviewed longitudinal study found that continued use of marijuana led to long-term outcomes in psychosis. Nora Penzel et al., Pattern of Predictive Features of Continued Cannabis Use in Patients with Recent-Onset Psychosis and Clinical High-Risk for Psychosis, 8 SCHIZOPHRENIA 19, 19 (2022), <https://doi.org/10.1038/s41537-022-00218-y>.

Marijuana is thus strongly associated with long-lasting mental illness. This Court has already recognized that mental illness is a compelling reason

(2025); Deepak Cyril D'Souza et al., *Cannabinoids and Psychosis*, 22 CURR. PHARM. DES. 6380 (2016), <https://tinyurl.com/54usx3td>; David M. Fergusson et al., *Cannabis and Psychosis*, 332 BMJ 172 (2006), <https://tinyurl.com/3rfhsp7d>; David M. Fergusson et al., *Tests of Causal Linkages Between Cannabis Use and Psychotic Symptoms*, 100 ADDICTION 354 (2005); J. van Os et al., *Cannabis Use and Psychosis: A Longitudinal Population-Based Study*, 156 AM. J. EPIDEMIOL. 319 (2002), <https://tinyurl.com/bddcyj49>.

to restrict gun ownership. *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008). Despite this, the Fifth Circuit argued for a standard that looks to the user’s actual impairment. Actual impairment, as has been established, is not determinative of one’s risk when owning a firearm. The dangerous effects of marijuana – and other illicit drugs – continue on long after the high wears off. *See, e.g.*, Stanislav Z. Spivak et al., *Cannabis and Psychosis Through the Lens of DSM-5*, 16 INT’L J. ENVTL. RES. & PUB. HEALTH 4149 (2019), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6861931/> (discussing that Cannabis-Induced Psychotic Disorder is a potentially weeks-long diagnosis); Am. Psychiatric Ass’n, *Diagnostic and Statistical Manual of Mental Disorders: DSM-5* 109–15 (5th ed.).

B. Marijuana use dramatically increases one’s risk of violence.

Although it is marketed as a “chill” drug by its peddlers, the high-potency marijuana of today has become increasingly known for its relationship with violence. One recent study found that compared to never users, regular users of marijuana are significantly more likely to commit acts of violence. *See* T. Schoeler et al., *Continuity of Cannabis Use and Violent Offending Over the Life Course*, 46 PSYCHOL. MED. 1663 (2016), <https://doi.org/10.1017/S0033291715003001>. Most states with “medical” marijuana programs allow patients diagnosed with post-traumatic stress disorder to use the drug. Research shows that among these users, marijuana use was significantly associated with violent behavior. A.L. Wilkinson, C.T.

Halpern & A.H. Herring, *Marijuana Use Is Associated With Worse Outcomes in PTSD Symptom Severity, Violent Behaviour and Alcohol Use*, 76 J. CLIN. PSYCHIATRY 1174 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6258013/>. An Italian study of more than 1,500 psychiatric outpatients found marijuana use was associated with a ten-fold increase in the odds of violent behavior. F. Carabellese, et al., *Cannabis Use and Violent Behaviour: A Psychiatric Patients Cohort Study in Southern Italy*, 48 RIV. PSICHIATRIA 43, 43 (2013). A Swiss study of 265 psychosis patients found marijuana use was a significant risk factor for violent behavior. V. Moulin, et al., *Cannabis, a Significant Risk Factor for Violent Behavior in the Early Phase Psychosis: Two Patterns of Interaction of Factors Increase the Risk of Violent Behavior: Cannabis Use Disorder and Impulsivity; Cannabis Use Disorder, Lack of Insight and Treatment Adherence*, 9 FRONT. PSYCHIATRY 294 (2018). A literature review covering studies of more than 1 million adolescents found a consistent positive association between marijuana use and engaging in bullying. Roberto Maniglio, *Association Between Peer Victimization in Adolescence and Cannabis Use: A Systematic Review*, 25 AGGRESS. VIOLENT BEHAV. 252 (2015). Another study on 268 homicides in New York State in 1984 found that one-third of the perpetrators used marijuana in the 24-hour period before the murder. B. Spunt et al., *The Role of Marijuana in Homicide*, 29 INT'L J. ADDICT. 195, 195–213 (1994), <https://doi.org/10.3109/10826089409047377>. In Australia, a study of Aboriginal communities found

marijuana users were four times more likely than non-users to experience violent trauma. Kim Lee, *Heavy cannabis use in three remote Aboriginal communities in Arnhem Land, Northern Territory, Australia: patterns of use, natural history, depressive symptoms and the potential for community-driven interventions* (PhD thesis, James Cook Univ. 2008), <https://researchonline.jcu.edu.au/11729/>.

The extent of the literature on marijuana's link with violence is explored exhaustively in recent journalistic works. *See generally* Alex Berenson, *Tell Your Children: The Truth About Marijuana, Mental Illness and Violence* (Free Press 2019).

CONCLUSION

The Supreme Court should affirm the constitutionality of 18 U.S.C. § 922(g)(3)'s prohibition on firearm possession by unlawful drug users.

Respectfully submitted,
David Geoffrey Evans
203 Main St. Suite 250
Flemington, NJ 08822
908-963-0254
www.addictionslaw.com
thinkon908@aol.com
NJ Attorney ID 019631974

*Counsel for Amici Curiae
Smart Approaches to
Marijuana et al.*