

Nos. 25-238, 25-566

IN THE
Supreme Court of the United States

CUTBERTO VIRAMONTES, *ET AL.*,
Petitioners,

v.

COOK COUNTY, ILLINOIS, *ET AL.*,
Respondents.

EDDIE GRANT, JR., *ET AL.*,
Petitioners,

v.

RONNELL HIGGINS, IN HIS OFFICIAL CAPACITY AS COMMISSIONER
OF THE CONNECTICUT DEPARTMENT OF EMERGENCY SERVICES AND
PUBLIC PROTECTION, *ET AL.*
Respondents.

**On Writs of Certiorari to the
United States Courts of Appeals
for the Seventh and Second Circuits**

**BRIEF OF SURVIVORS OF ASSAULT WEAPON
SHOOTINGS AS *AMICI CURIAE* IN SUPPORT OF
RESPONDENTS**

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INTEREST OF *AMICI CURIAE*¹

Amici Curiae's lives have been irreparably and violently impacted by civilians who wielded uniquely destructive weapons of war in schools, grocery stores, houses of worship, streets, and homes across the country. *Amici* profiled herein were present at or lost loved ones in mass shootings perpetrated by assault weapons. As described in Appendix A, additional listed *amici* have been directly affected by assault weapons.

Having been devastated by the pain and suffering that assault weapons inflict, *amici* have a substantial interest in this Court recognizing that the Constitution permits democratically-elected officials to protect the health and safety of their communities and the lives of their residents, and to regulate the purchase and use of these weapons in their communities.

SUMMARY OF ARGUMENT

Assault weapons² are designed to be fast, destructive, and easy-to-use, and have become

¹ In accordance with Supreme Court Rule 37, *amici* state that no counsel for any party authored this brief in whole or in part, and that no entity or person other than *amici* or counsel made any monetary contribution toward the preparation and submission of this brief.

² *Amici* use the term "assault weapons" to refer to weapons that are the subject of the Code of Ordinances of Cook County, Illinois Sections 54-210-54-215 or of Connecticut General Statute Sections 53-202b, 53-202c, 53-202d, 53-202w(b).

increasingly popular among mass shooters, with tragic consequences. The experiences of *amici* illustrate the scale and severity of the damage caused by these dangerous weapons. Although each story is unique, they share common themes: significant loss of life and life-altering harm resulting from individuals using weapons of war to inflict as much damage on as many people as possible. These real-world examples of the lasting impact on individuals and communities caused by assault weapons underscore why governments should be permitted to enact appropriate measures to limit the availability of these weapons.³

ARGUMENT

I. ASSAULT WEAPONS ARE UNIQUELY DESTRUCTIVE AND DESIGNED TO EFFICIENTLY INFLICT MAXIMUM HARM

Assault weapons are uniquely destructive firearms. They are military-grade weapons that have several features specific to distance combat and designed to inflict maximum damage on targets. These features are what make assault weapons the guns of choice for

³ Included in this brief are narratives from those who were present at or lost loved ones in mass shootings perpetrated by assault weapons, compiled from interviews conducted and/or coordinated by undersigned counsel. *Amici* each personally reviewed and approved the versions of their accounts herein. Appendix A includes additional *amici* who have been directly affected by assault weapons whose stories are not told here.

civilians seeking to inflict harm on a large scale, including catastrophic injury and mass murder.⁴

First, assault weapons fire bullets at an extremely high velocity. For example, an AR-15 propels a bullet “at a speed that would cross six football fields in a second.”⁵ Because speed provides a bullet with kinetic energy, a bullet’s velocity is a “dominant factor” in the amount of damage it can cause the human body.⁶ At impact, a bullet fired from an assault weapon like an AR-15 creates a “blast effect” that causes damage to a massive block of surrounding tissue, akin to the wake that follows a boat speeding through water.⁷ Observers of victims of assault weapons commonly

⁴ Sara Swann, *The History of the AR-15 and How It Became a Symbol of American Gun Culture*, Poynter (June 29, 2022), <https://www.poynter.org/fact-checking/2022/what-is-ar15-rifle-history-of-firearm/>.

⁵ Nick Kirkpatrick et al., *The Blast Effect*, Wash. Post (Mar. 27, 2023), <https://www.washingtonpost.com/nation/interactive/2023/ar-15-damage-to-human-body/>.

⁶ Ernest E. Moore, Opinion, *The Parkland Shooter’s AR-15 Was Designed to Kill as Efficiently as Possible*, NBC News (Feb. 15, 2018), <https://www.nbcnews.com/think/opinion/parkland-shooter-s-ar-15-was-designed-kill-efficiently-possible-ncna848346> (comparing the lethality of AR-15 and 9mm handgun, which shoots a bullet at “1,200 feet per second and delivers a kinetic energy of 400 foot pounds. By comparison, the standard AR-15 bullet travels at 3,251 feet per second and delivers 1300 foot pounds.”).

⁷ Kirkpatrick et al., *supra* note 5.

describe the damage as grisly, and compare it to a grenade explosion within a human body.⁸

Consequently, the injuries that even a single bullet from an assault weapon can inflict on a human body are catastrophic. As former Connecticut chief medical examiner, Dr. Wayne Carver, testified in a civil deposition, not a single one of 20 children and six adults shot in the 2012 Sandy Hook shooting—perpetrated with an assault weapon—had survivable or even treatable injuries.⁹ Dr. Roy Guerrero, testifying before Congress about the Uvalde, Texas school shooting, explained that two children in particular were so “pulverized by bullets fired at them ... that the only clue as to their identities was the blood-spattered cartoon clothes still clinging to them[.]”¹⁰

⁸ Sarah Zhang, *What an AR-15 Can Do to the Human Body*, Wired (July 17, 2016), <https://www.wired.com/2016/06/ar-15-can-human-body/>.

⁹ Dep. of H. Wayne Carver II, M.D. at 23:2-14, *Pozner v. Fetzer*, No. 18-cv-3122 (Wis. Cir. Ct. Dane Cnty. May 21, 2019), <https://poznervfetzer.com/videotaped-deposition-of-h-wayne-carver-md/>; see also Oversight Dems, *Roy Guerrero M.D. Testifies on the Urgent Need to Address the Gun Violence Epidemic* (YouTube, June 8, 2022), <https://www.youtube.com/watch?v=NqHVk66JeuQ> [hereinafter “Guerrero Testimony”].

¹⁰ Guerrero Testimony, *supra* note 9, at 3:40-3:50. Other medical professionals use the same language in comparing the effect of assault weapons on the human body with more traditional firearms. See, e.g., Moore, *supra* note 6 (noting that a “typical 9mm handgun wound to the liver will produce a pathway of tissue destruction in the order of 1-2 inches. In comparison, an AR-15

Second, assault weapons can be fired at an extremely rapid rate, dramatically increasing their lethality. The average semiautomatic assault rifle can fire up to 45 rounds per minute.¹¹ As a result, significant damage can be inflicted in an extremely short period of time. For example:

- In 2019, a shooter using an assault weapon killed nine people and injured 27 others in just 32 seconds in Dayton, Ohio.¹²
- In 2022, a shooter using an assault weapon fired 60 shots in just over two minutes in a grocery store in Buffalo, New York, killing ten and injuring three.¹³
- In 1989, a shooter using an assault weapon fired over 100 rounds within three minutes at an elementary school in Stockton, California, killing five children and injuring 30. News media reported that “the yard at

round to the liver will literally pulverize it, much like dropping a watermelon onto concrete[.]”).

¹¹ Editor’s Note, *Make It Stop*, Boston Globe (June 16, 2016), <https://apps.bostonglobe.com/graphics/2016/06/make-it-stop/>.

¹² Holly Yan et al., *The Dayton Gunman Killed 9 People by Firing 41 Shots in 30 Seconds. A High-Capacity Rifle Helped Enable that Speed*, CNN (Aug. 5, 2019), <https://www.cnn.com/2019/08/05/us/dayton-monday-shooter-stopped-in-seconds/index.html>.

¹³ Letitia James, Off. of the N.Y. Att’y Gen., *Investigative Report on the Role of Online Platforms in the Tragic Mass Shooting in Buffalo on May 14, 2022* (Oct. 18, 2022), <https://ag.ny.gov/sites/default/files/buffaloshooting-onlineplatformsreport.pdf>.

Cleveland Elementary School looked like the scene of a wartime atrocity[.]”¹⁴

Third, assault weapons are relatively easy to use, even by someone with little or no firearm experience, and are specifically designed for accuracy. Among other features, assault weapons mitigate recoil, resulting in the shooter’s aim being disturbed less between shots, allowing for rapid follow-up fire on a target.¹⁵

The combination of these features—the speed at which bullets travel and can be fired and their relative ease of use—makes assault weapons uniquely destructive.¹⁶ Unlike other firearms, they are specifically designed to kill large numbers of people quickly and thus are particularly lethal.¹⁷ They are, quite literally, weapons of war.¹⁸

¹⁴ Tim O’Rourke, Chron. Covers: *A Bloody, Horrific School Day in Stockton*, *San Francisco Chronicle* (Jan. 18, 2016), https://www.sfchronicle.com/chronicle_vault/article/Chronicle-Covers-A-bloody-horrific-school-day-6751921.php.

¹⁵ Moore, *supra* note 6.

¹⁶ *N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d 242, 262 (2d Cir. 2015) (the “net effect of these military combat features is a capability for lethality—more wounds, more serious, in more victims—far beyond that of other firearms in general”).

¹⁷ Cameron McWhirter & Zusha Elinson, *American Gun: The True Story of the AR-15* (Farrar, Straus & Giroux 2023).

¹⁸ Michael Shurkin, *A Brief History of the Assault Rifle*, Atlantic (June 30, 2016), <https://www.theatlantic.com/technology/archive/2016/06/a-brief-history-of-the-assault-rifle/489428/> (explaining

Because assault weapons are so uniquely destructive and comparatively easy to use, they have increasingly become the weapon of choice for individuals seeking to indiscriminately inflict as much harm as possible, with devastating results. The use of assault weapons has risen at an alarming rate in the last two decades. Shooters chose assault weapons in 34% of mass shootings in the 2010s and 60% in the 2020s, up from 17-20% from the 1970s through the 2000s.¹⁹ The use of assault weapons has led to 55% more fatalities in mass shootings and roughly four times as many injuries.²⁰ And the number of mass shootings involving the use of an assault weapon in the last 15 years is higher than the total number of mass shootings for each of the prior decades, going back to the 1960s.²¹

that versions of assault weapons have been standard-issue for the U.S. military since the Vietnam War and are now used by virtually all the world's armies).

¹⁹ James Densley & Jillian K. Peterson, *Assault Weapon Platform Lethality in US Mass Public Shootings 1966–2025*, at pdf p. 3, Sci. Reps. (Sept. 11, 2026), https://www.nature.com/articles/s41598-026-71809-3_reference.pdf.

²⁰ *Id.* at pdf pp. 5-6.

²¹ *Id.* at pdf p. 3, tbl. 1.

II. THE EXPERIENCES OF SURVIVORS OF MASS SHOOTINGS WITH ASSAULT WEAPONS DEMONSTRATE THEIR DANGER AND LETHALITY

A. Cleveland Elementary School Shooting, Stockton, CA.

On January 17, 1989, a shooter wielding assault weapons killed five children at their elementary school and wounded 30 others.²² At the time, the shooting was the worst school massacre in U.S. history.²³ The capacity and capability of the assault weapons allowed the shooter to fire over 100 rounds of ammunition within three minutes.²⁴ Julia Schardt was a second-grade teacher at the school when the shooting occurred.

1. *Julia Schardt.*

At the time of the shooting, Julia Schardt was inside while her students were at recess. She remembers believing that she was hearing the sound of firecrackers, only later learning that the noises were gunshots from assault weapons wielded against six- to

²² Nelson Kempsey et al., *A Report to Attorney General John K. Van de Kamp on Patrick Purdy and the Cleveland School Killings* 1 (Oct. 19, 1989), <https://vpc.org/wp-content/uploads/2022/04/Stockton-CA-AG-report.pdf>.

²³ *Schoolyard Gun Spree Leaves Six Dead, 30 Injured*, Educ. Wk. (Jan. 25, 1989), <https://www.edweek.org/leadership/schoolyard-gun-spree-leaves-6-dead-30-injured/1989/01>.

²⁴ O'Rourke, *supra* note 14.

nine-year-olds. One student had stayed inside with a cold, and Julia recalls grabbing her hand to try to rush towards safety but ultimately waiting in the classroom for her other students. It was then that she heard another teacher yell, “Oh my God, they are killing our kids.” After the shots stopped, there was silence before her students began to enter the classroom in their typical single-file fashion. Julia recalls the chilling words one student uttered: “Teacher, Oeun is dead.”

Julia did not want to believe it. She took roll and realized two students had not returned, including Oeun. But Julia, wanting to provide some comfort to the children who had just witnessed the mass murder of their friends, read them a story. She remembers that the children were immobilized—no squirming or chattering like on a typical day. The principal soon checked in over the intercom, and Julia reported her two missing students. That conversation was interrupted when one student remarked that another was bleeding—the result of ricocheting shrapnel—and the injured second-grader was carried to the office by a classroom aide.

Nothing could have prepared Julia for her next task of that terrible day, accompanying police to identify the body of a young student. Julia was asked to look at the body of an eight-year-old and match it to the name of an unaccounted-for child. It was Julia’s student Oeun. Julia recounts that Oeun’s beautiful face was marred by a massive head wound where a bullet had entered her right temple and exited the left side of her head. A great deal of blood streaked across

her forehead. Although Julia knew it was Oeun, she dreaded being the one to officially identify her.

Julia remembers other harrowing accounts from that day. She later learned that her other missing student, Tokla, was transported to the hospital for a bullet wound that shattered her leg at the hip. A first-grader—the best friend of Julia’s son—was shot in his foot and chest; he almost died. A third-grader had run to try to re-enter the school building as bullets flew, but found the door locked so was forced to watch in terror as his friend was killed in front of him. Older students had been waiting for lunch at the time of the shooting and watched as younger children were shot. A fellow teacher was wounded trying to protect the children while the shooter fired over 100 rounds. In Julia’s view, the assault weapons used allowed for so much carnage in so little time. She believes it is hard to understand the damage these weapons can do to a child’s body without seeing it with your own eyes.

Julia and her surviving students were forever changed by the massacre. One of the second-graders repeated to Julia throughout the rest of the school year that he felt responsible for not saving classmates that were killed. This once-promising student has struggled significantly in adulthood. Other students moved away from the town to escape the memories of that day. Five students never got the chance, including Oeun, whose life ended at only eight-years-old. Julia will always remember Oeun as the bright young girl she was then and will never forget sitting with Oeun’s family after the shooting.

B. Pittsburgh Synagogue Shooting.

Shortly before 10 a.m. on Saturday, October 27, 2018, a gunman entered the Tree of Life synagogue in Pittsburgh’s Squirrel Hill neighborhood.²⁵ Several groups were meeting in the building that morning.²⁶ By the time the shooter was apprehended over an hour later, he had killed 11 and wounded six others, including four police officers, with a high-powered AR-15 rifle.²⁷

²⁵ Campbell Robertson, Christopher Mele & Sabrina Tavernise, *11 Killed in Synagogue Massacre; Suspect Charged with 29 Counts*, N.Y. Times (Oct. 27, 2018), <https://www.nytimes.com/2018/10/27/us/active-shooter-pittsburgh-synagogue-shooting.html>; Steve Almasy & Artemis Moshtaghan, *Here’s How the Shooting at a Pittsburgh Synagogue Unfolded*, CNN (Oct. 28, 2018), <https://www.cnn.com/2018/10/27/us/pittsburgh-attack-timeline>.

²⁶ While this incident is often referred to using the name of the building it occurred in—the Tree of Life Synagogue—three congregations worshipped in the building: Congregation Dor Hadash, New Light Congregation, and the Tree of Life Congregation. The victims include members of each congregation. The Tree of Life Center for Humanity, FAQs, <https://www.thetreeoflife.org/about> (last visited Oct. 16, 2026). The stories shared herein are from members of Congregation Dor Hadash.

²⁷ Kris Mamula et al., *Eleven Dead, Six Wounded in Massacre at Squirrel Hill Synagogue*, Pittsburgh Post-Gazette (October 27, 2018), <https://www.post-gazette.com/local/city/2018/10/27/police-responding-to-incident-in-squirrel-hill/stories/201810270069>. While the shooter also carried three Glock handguns, each victim was shot with the AR-15 assault weapon. Trial Tr. Vol. 12 at 78:10-14, No. 18-292, *United States v. Robert Bowers* (W.D. Pa. June 15, 2023), Dkt. No. 1357.

When the shooter entered the building that morning, Jerry Rabinowitz, a 66-year-old family doctor, and his close friend, Dan Leger, a 70-year-old retired pediatric nurse and active hospital chaplain, instinctively went towards the gunfire, hoping to intervene. Jerry was killed and Dan was severely injured.

1. *Dan Leger.*

Dan Leger was at the Tree of Life Synagogue on October 27 to attend the Dor Hadash prayer service and Torah study group. Shortly before 10 a.m., Dan and Jerry were preparing for the morning in a study room.

They suddenly heard a sound “that either sounded like something blowing things up or gunshots.” When Dan realized they were gunshots, he wanted to reach the lobby’s phone to call the police; he did not carry his cell phone on Shabbat. He also wanted to warn another congregation meeting downstairs.

He had no time. As soon as they exited the study, Jerry looked at Dan and said, “Oh, Dan.” Dan had no understanding of what was happening, but he and Jerry had both been shot. Dan hopes his was the last face Jerry saw. Dan himself had not seen the shooter or his gun.

Dan remembers falling on a set of stairs “with my head towards the top and my feet at the bottom” of the stairs. He faced a wall and could see very little. Dan wears hearing aids, and without a clear view of the

scene, spent the next 45 minutes not sure what was happening.

During that time, Dan thought he was dying. As he lay on the stairwell, Dan reviewed his life and prayed. He asked God for forgiveness and reflected on “all of the good that I had experienced: my kids, my wife.”

Eventually, Dan heard footsteps. He describes a moment of decision: “I said to myself, if it’s the shooter he will finish the job, and that’s fine. I’m going to die anyways.” Dan grabbed the pant leg of the person on the stairs—a paramedic—and remembers hearing, “this one is alive!”

He was not sure where he had been shot, but felt intense pressure in his abdomen. He later learned that he was shot in the abdomen, with damage to his hip. He had suffered massive internal bleeding forming a tamponade—which involves the internal build-up of fluid (in Dan’s case, blood).²⁸ The tamponade had prevented him from bleeding out externally.

Dan next remembers “waking up and the figure above me had this gauzy aspect.” He thought it was a member of the Chevra Kadisha, a group of Jewish adults that traditionally prepares the deceased for

²⁸ *Cardiac Tamponade*, Cleveland Clinic, <https://my.clevelandclinic.org/health/diseases/21906-cardiac-tamponade> (Apr. 28, 2023).

burial, and that he had died.²⁹ He then remembers his wife holding his hand and thinking to himself, “If I survive, I’m going to be a real burden.”

Dan’s recovery was long with several surgeries, transfusions, and therapy to learn basic life skills again, including how to eat. Healing was not linear and Dan returned to the hospital several more times with urinary problems and blood clots in his lungs. After many years working as a nurse, being the patient felt vulnerable, but Dan learned to “give myself over to the process.” Little by little, Dan gradually healed.

Dan had “a really hard time” with the shooter’s 2023 trial. The trial reinforced to Dan that “people are susceptible to horrible ideas and when that happens in this country you have access to an AR-15 and weapons that can rapidly shoot, with devastating effects.” Dan finds it “inconceivable” that people like the shooter have access to “essentially a machine gun,” and likens assault weapons to “weapons of mass destruction available to the public.”

Dan refuses to let his anger get the best of him. He emphasizes the support of his community and the strength he drew from family, friends, and other survivors. He often thinks of those murdered in the shooting and remains close with Jerry’s wife, Miri.

²⁹ Cyrus Adler & Gotthard Deutsch, *Hebra Kaddisha*, Jewish Encyclopedia, <https://jewishencyclopedia.com/articles/7442-hebra-kaddisha> (last visited Oct. 16, 2026).

2. *Miri Rabinowitz.*

Miri Rabinowitz first met Jerry Rabinowitz, a family physician, in 1993 at a Yom Kippur “breakfast.” That night, Miri called her best friend and told her that she had met the man she was going to marry. Their first date was a week later at a Chinese restaurant, and they knew immediately that theirs would be “a very significant relationship.” They married in 1997 in a “very joyous” celebration.

Jerry “loved life, loved being a physician,” and saw his patients “birth to death,” treating multiple generations of families. Jerry served as Dor Hadash’s president for two terms and regularly attended Saturday morning services and Torah study.

On October 27, Jerry rose early to complete his medical rounds before heading to the synagogue. Miri rose later and was at home when, around 10 a.m., she received a call about a shooting at the Tree of Life building.

Too shaken to drive, Miri called family friends to drive her there. Miri recalls learning that “Jer and Dan [Leger] were still in the building and had not come out,” and became aware that ambulances had already left for the hospitals. Miri began calling other area hospitals for news of Jerry. By noon, Miri learned that Jerry was not among those hospitalized and “knew that the unaccounted for were deceased.” By early afternoon—although unconfirmed—“it was clear to me that Jerry was dead.”

Miri's friends drove her from the hospital to a gathering at a Jewish community center where the FBI, police, and trauma specialists were meeting with those affected by the shooting. Around 7:00 p.m., a friend of Miri's informed her that members of the community's Chevra Kadisha had arrived at the Tree of Life building.³⁰ Miri had been distraught all afternoon "knowing that Jer was by himself," and once she was informed that the Chevra Kadisha had arrived, she found some peace in knowing that Jerry was not alone. Later, the FBI confirmed that Jerry had been killed.

In the days after the shooting, Miri was in a "state of shock." There were "lots and lots of tears, memories of Jer, more tears, and grief." After Jerry's funeral, when family and friends had gone home, "the reality hit that Jer was gone and my life was changed forever." Today, "there just aren't any words for how much I miss him." Miri credits Jerry for making her a better person, and says that her heart "aches all the time." While she still experiences joy, she acknowledges "a void and a whole part of me that's gone."

Although the nature of the weapon or Jerry's injuries have never been facts Miri has focused on, she learned during the trial that the shooter used an assault weapon, which she describes as "killing machines." She would not characterize herself as "anti-gun," but asks what recreational or sporting

³⁰ Jerry was a founding member of the Community Chevra Kadisha.

purpose an assault weapon could have besides killing people.

Jerry is buried in a beautiful cemetery, which Miri visits often. Following Jewish custom, visitors to a grave leave a small stone at the gravesite to mark their visit. Miri says there are “hundreds of stones on Jer’s grave,” so she knows he is “still remembered and loved.” She misses Jerry every day.

C. Oregon District Shooting, Dayton, OH.

On August 4, 2019, just after midnight, a gunman went on a rampage in a popular nightlife district in Dayton, Ohio. The area—known as the Oregon District—was a young neighborhood with local shops, bars, and restaurants. The gunman, armed with an assault rifle with a 100 round magazine, body armor, and a mask, fired 41 shots in just 32 seconds before he was killed by police. The attack left nine dead and 27 wounded.³¹

Dion Green and his father, Derrick Fudge, were among those trapped in the massacre. Derrick died.

1. Dion Green.

“I still don’t understand why he didn’t kill me that night.” Dion Green was supposed to be celebrating with his family on the night of August 3, 2019. Dion’s home had been devastated by a tornado earlier that

³¹ Yan et al., *supra* note 12.

summer, so he had not had any time for “fun.” But that night, Dion felt his family deserved to enjoy themselves. He picked up his father, Derrick Fudge, who lived out of town, and they went to Dayton with Dion’s fiancée, sister, and her husband.

As Dion was outside a local bar with Derrick and his fiancée waiting for the rest of their party, Dion saw a man emerge from the side of the street. The man wore a mask, body armor, and earmuffs and carried an assault weapon. Dion did not understand what he was seeing.

That is when the shooter began to fire on the crowd of people on the street. Dion recalls people scattering and getting on the ground, but Dion remained standing “because I was in shock. I didn’t think any of this was real.” The shooter was directly in front of Dion. “We were face to face. I don’t understand why he didn’t shoot me. All he had to do was move his arm slightly left and it would have been me.”

When the shooting ended, Dion’s focus shifted to Derrick, who was laying on the ground beside him. “I kept telling him, ‘get up! Get up! We gotta go!’ He was just looking at me.” Dion took out his phone flashlight and saw blood pooling from behind his father’s head.

When he saw the blood, Dion immediately started giving CPR to Derrick and screaming for help. Eventually, “I stopped doing CPR and just wrapped my arms around him, telling him I loved him.” As police

secured the scene, they pulled Dion off his father and took him to the other end of the block. From there, Dion watched as paramedics draped a sheet over Derrick, and then Dion ran back to him. “I would never wish this pain on anyone.”

Just 13 hours earlier, a shooter armed with an assault weapon had killed 23 people and injured 22 in a hate-fueled shooting at a Walmart in El Paso, Texas.³² Dion recalled starting the day by praying for the families of the victims in El Paso. “Then that night, *I’m* the news.”

To Dion, the part that not enough people understand is what happens after the shooting stops. When he returned home in the hours after the shooting, Dion recalls “hiding in the bushes outside my house, chasing every car that drove by. I didn’t know what was going on, what was coming next.” Dion would not sleep for the next week. “I didn’t want to fall asleep because I knew when I got sleep, I’d have to say my final goodbyes.”

Dion describes his father as a “jack of all trades.” A painter, a mechanic, “he could do everything.” Derrick grew up in a rough neighborhood, but he “never gave up.” “He showed up always and was there for me even

³² Press Release, U.S. Dep’t of Just., Off. of Pub. Affs., *Texas Man Pleads Guilty to 90 Federal Hate Crimes and Firearms Violations for August 2019 Mass Shooting at Walmart in El Paso, Texas* (Feb. 8, 2023), <https://www.justice.gov/archives/opa/pr/texas-man-pleads-guilty-90-federal-hate-crimes-and-firearms-violations-august-2019-mass>.

when he had nothing. He was like a big old kid.” For Derrick, life was all about his family, his dog, and fishing. “He was just starting to enjoy his life, and then this man just took him from me.”

Dion still struggles. He has nightmares about the shooting and often wakes up in a pool of sweat. In the nightmares, “some days, I stop him. Some days, I get shot. Some days, I don’t even know what happens.” Dion says he still struggles to leave his home, even for simple errands.

Dion remains angered and confused by the shooter’s motive—or lack thereof. “He didn’t care that he was going to get killed. He came only to take as many lives as he could.” Dion also does not understand why assault weapons remain available, and rejects the idea that more weapons make communities safer.

Dion now runs the FUDGE Foundation,³³ which he founded after the shooting to help other survivors of mass shootings cope with trauma. Dion asks the Court: “We need to make up our mind. Do we want healing or do we want death?”

As Dion recounts: “It was just 32 seconds. But being there, that 32 seconds feels like a lifetime.”

³³ The FUDGE (Flourishing Under Distress Giving Encouragement) Foundation, <https://thefudgefoundation.org/> (last visited Oct. 20, 2026).

D. **Tops Grocery Shooting, Buffalo, NY.**

On May 14, 2022, a teenage gunman armed with an assault weapon drove roughly 200 miles to the east side of Buffalo, New York.³⁴ He exited the vehicle with his Bushmaster Model XM15-E2S—an AR-15-style rifle and the same model used in the 2012 Sandy Hook Elementary School massacre in Newtown, Connecticut³⁵—which he had modified with an enhanced capacity magazine. He wore body armor and a tactical helmet, and began firing in the parking lot of the Tops Friendly Markets grocery store, which he specifically targeted because it serves a predominantly Black neighborhood.³⁶

In the parking lot, the shooter killed three people and wounded one before entering the store. He then shot nine others inside the store.³⁷ Police arrived within one minute of reports of the shooting and the

³⁴ Carolyn Thompson & Michael Balsamo, *Buffalo Shooter Planned More Killings If He Escaped, Police Say*, PBS (May 16, 2022), <https://www.pbs.org/newshour/nation/buffalo-shooter-planned-more-killings-if-he-escaped-police-say>.

³⁵ Craig Whitlock, et al., *Massacre Suspect Said He Modified Bushmaster Rifle To Hold More Ammunition*, Wash. Post (May 15, 2022), <https://www.washingtonpost.com/investigations/2022/05/15/buffalo-shooting-gun-bought-bushmaster/>.

³⁶ Meredith Deliso et al., *Suspect Fired 50 Rounds in Buffalo Supermarket Hate Crime Shooting that Killed 10: Police*, ABC-7 News (May 16, 2022), <https://abc7news.com/post/buffalo-shooting-mass-payton-gendron-tops-supermarket/11856396/>.

³⁷ *Id.*

shooter ultimately surrendered, having fired approximately 60 rounds in just over two minutes. Ebony White and Wayne Jones' loved ones were killed in the attack.

1. *Ebony White.*

"I remember him singing, I remember him smiling, I remember this laugh that just came from the gut of just sheer joy of living," Ebony White says of her uncle, Heyward Patterson, a deacon at his local church on the east side of Buffalo. Heyward was a mentor to young individuals both in and out of the ministry. He showed great compassion for everyone in the community—a mirror allowing everyone to see the best versions of themselves because that is what he reflected back to them. He was dedicated to serving and improving the lives of those around him.

May 14, 2022 began as any other Saturday for Heyward. He started the morning at his church, then served at the soup kitchen before stopping at Tops. Heyward spent many weekends at Tops—the only grocery store in the area and a hub for the community—and helped patrons with their bags, ferrying them to the store and back with his car. "He had a real love and compassion for people, but the elderly was a very sweet spot for him."

Ebony spent that Saturday morning shopping on the other side of town. She only knew something was wrong when she received over a dozen phone calls and text messages. "Where are you?" "They're shooting at

Tops.” Ebony could not make any sense of what she learned. “I heard the shooting part, but the placement of it didn’t make sense.”

Ebony recalls hearing someone in her family had been shot. “All I heard was ‘it’s one of the Pattersons.’ That is our name.” She immediately went to Tops.

When she arrived, she instantly recognized her uncle Heyward’s car. Next to it, a pair of legs stuck out. “I saw the legs. Hereditarily, we have these thin legs. And then his shoes.” Ebony knew right away that it was Heyward. “It was sheer chaos, the worst panic. You already are in pain because you have panic mixed with fear. You don’t know all the details of how this all occurred.”

Heyward’s death left a hole in the community. His funeral service drew more attention than the family wanted. But the whole community mourned. Hundreds poured in from across New York to remember and honor Heyward’s legacy. For Ebony, his loss has left a lasting impact on her life. “I had pain. This became so personal.” But even with that pain, Ebony chooses to push forward. It is “the consciousness to choose every day to show up and still be good even when the world ain’t good to you.”

Over four years later, Ebony reflects on the assault weapon the shooter wielded: “In a world in which we deem ourselves civilized, there’s a place for war, and the equipment that was utilized and modified at Tops is for *war*. My uncle was not at war.” Ebony laments

the carnage and loss of life that resulted from the use of a weapon of war on a community that was just trying to do its weekend shopping. “They were just in the grocery store. They had no fight in them, *none*, they were just living.”

2. *Wayne Jones.*

“I never thought in a million years I’d see a video of my mother getting killed.” For much of her life, Celestine Chaney was a survivor. She was a single mother who raised her only son, Wayne Jones. They often went shopping together, stopping at multiple stores to find the best deal. On May 14, 2022, Celestine went to Tops in search of shortcake for her strawberries, accompanied by her older sister. Celestine was in a festive mood, having just celebrated her 65th birthday and recently been declared cancer-free. But it was not cancer—nor the multiple brain surgeries for aneurysms that she had suffered—that killed Celestine. It was an 18-year-old armed with an assault weapon.

Wayne was at home watching a movie when he learned of the shooting. He could not reach Celestine. He drove to Tops “just to see if she was in the crowd and lost her phone.” Police informed Wayne that all survivors had left the building and been taken to the police station or the hospital. Wayne decided to go back home to wait to hear from Celestine.

Wayne was home for less than 30 minutes when his daughter called and alerted him to a Facebook video

posted by the shooter livestreaming the entire attack. Wayne played the video and immediately saw his mother on the floor. He watched as the shooter shot her, ran out of ammunition, and then—after noticing that Celestine was still moving—quickly reloaded his assault weapon and shot her again.

The horror of watching his mother die—in a video filmed by her killer—is almost too unspeakable to bear. “I wouldn’t wish anybody would have to see that.” Years later, the cold and detached nature of the shooter’s actions have stuck with Wayne: “It seemed like, to him, it was a video game—some virtual reality.” But it was real.

Wayne had no time to grieve. A father of six children, he immediately went into “parent mode,” helping his children mourn the loss of their grandmother, coordinating family travel, and organizing her funeral services. After the chaos following Celestine’s death subsided, Wayne felt deep loneliness. “My wife, my daughters, they come and cry on *my* shoulders. But who I always went to, *my mom*, she was gone.”

Four years later, Wayne is still in “parent mode.” He mourns what his children lost that day, the “granny love” that warms so many children’s hearts. He still searches for answers as to why this happened to him and his family.

Wayne reflected on the weapon that killed his mother: “There really is no reason for assault weapons.

You don't shoot anything but other humans with them. It's only made to shoot people, you don't need to shoot 30 rounds in 30 seconds."

When asked what the Court should consider in deciding this case, Wayne said simply that the Justices should "put yourselves in the shoes of the victims" and imagine the pain of having to bury a murdered grandchild, mother, brother, or sister.

E. Old National Bank Shooting, Louisville, KY.

On the morning of April 10, 2023, the world changed forever for employees of the Old National Bank in Louisville, Kentucky and responding officers when an employee opened fire in the office with an assault weapon, killing five people in under 30 seconds and injuring eight more.³⁸

A week before, the shooter had purchased a Radical Firearms RF-15—an AR-15 style assault

³⁸ CJ Daniels, Jay Skebba & Joseph Garcia, *"This is Not An Accident" - Old National Bank Shooting Report Released; Gunman Left Detailed Manifesto; Attorneys For Survivors Release Statement*, WHAS News (Nov. 21, 2023, at 11:48 p.m.), <https://www.whas11.com/article/news/crime/old-national-bank-shooting-investigation-report-gunman-manifesto/417-0750f796-7ec5-410c-a1bf-09789c1f7dd7>; Louisville Metro Police Dep't Major Crimes Div. – Homicide Unit Investigative Report (Apr. 17, 2023), <https://interactive.whas11.com/pdfs/Old-National-Bank-shooting-report-compressed.pdf> [hereinafter "Louisville MPD Investigative Rep."].

weapon—and accessories intended to make shooting the rifle easier and quicker.³⁹ He had never held a gun in his life before the purchase.⁴⁰ The shooter left journals and notes commenting on how easy it was to purchase these deadly weapons, referring to himself as a “psychopath,” mocking Kentucky’s gun laws, and thanking the NRA for being “the one who made this all possible.”⁴¹

Among those affected were Dana Mitchell, a bank employee wounded in the shooting, and Jessica Barrick, whose husband Josh was killed.

1. *Dana Mitchell.*

On April 10, 2023, a Monday morning, Dana Mitchell was sitting in a weekly meeting when she saw a gunman use an assault weapon to shoot a woman in the hallway. Dana immediately dove under the table in the conference room. But in a large, glass conference room, there was nowhere to hide. “When he got to the room he continued to shoot over and over. I was on the ground and felt the shot.” For what seemed like an eternity—which she later learned was less than 30 seconds—Dana lay under the table, hoping not to draw attention to herself. “I just tried to steady my breathing.” Dana did not know whether the

³⁹ Louisville MPD Investigative Rep., *supra* note 38, at 8, 16.

⁴⁰ *Id.*

⁴¹ Daniels, Skebba & Garcia, *supra* note 38; Louisville MPD Investigative Rep., *supra* note 38, at 16.

shooter was still in the room. “I kept hearing my coworker begging for help, ‘please don’t let me die.’ But eventually there was silence.”

After exchanging gunfire with the shooter for three minutes, the Louisville Police Department killed him, entered the office, and escorted Dana and the other survivors outside. Dana and her colleagues had to step over the bodies of their deceased friends and coworkers—and the shooter—to exit the building. Dana received medical care for the eight-inch wound in her back from the bullet. For Dana, the physical and emotional recovery will be a daily struggle for the rest of her life.

After four months of recovery, Dana went back to work and into the world. “Life was very, very hard for a while. You take for granted your everyday things that you don’t think about.” She found that everyday errands and tasks had become difficult: going to the grocery store, hearing loud noises in public, and traveling made her anxious and fearful. A year after the attack, Dana and her son visited Chicago. When a truck dropped a dumpster near them, the sudden loud noise left Dana shaking.

Dana’s every day was filled with adjusting to her new reality, including feelings of survivor’s guilt. Though she is happy to be alive, Dana says “there’s a part of me that died that day with the others.” The memory of laying in the conference room—not knowing who was alive or if she would survive—haunts her. Dana also bears physical reminders of the

shooting—the scar on her back and the pieces of shrapnel that still surface like splinters.⁴²

Dana owns a small handgun, which she believes is a right guaranteed by the Constitution. But Dana believes that the right to own an assault weapon—like the one that wounded her and killed her five colleagues—is not guaranteed. To Dana, there is no reason for assault weapons to exist on our streets and be available to civilians. She emphasizes that assault weapons are not for self-protection or hunting. They exist to kill and nothing else. The shooter needed no experience and less than a minute to kill five people and seriously injure Dana and others. “He didn’t have to stop and reload while he was shooting us in the conference room. Somebody may have been able to stop him if he had to reload.” To Dana, there have been enough shootings, enough deaths, enough injuries, and enough lives and families irreparably changed by assault weapons. Dana will live with the memory of this day and those she lost, along with her own trauma. She does not want anyone else to suffer the same fate.

2. *Jessica Barrick.*

Josh Barrick, an Old National Bank employee, was a 40-year-old husband and father to two young

⁴² Similar delayed shrapnel surfacing is found in military veterans. Christian Davenport, *Many Veterans Scarred Beneath the Skin*, NBC News (Feb. 3, 2006), <https://www.nbcnews.com/id/wbna11152398>.

children. His wife, Jessica, recalls speaking to Josh while he drove to the office the morning of April 10. “We spoke on the phone and the last words we said to each other were ‘I love you.’” Jessica started getting calls that something was happening in Josh’s building. Jessica went to the hospital, but had been misinformed that Josh was in surgery. Instead, an officer handed Jessica a sheet of paper to fill out what Josh had worn that day so they could identify him. Thirty minutes later, police confirmed that Josh had died.

Jessica had to immediately grapple with her own overwhelming pain while figuring out how and what to tell their children—at that time, in the first and third grades. Jessica knew that this was the end of the life they had known, and recalls the conversation in which she told them about Josh’s death being the hardest thing she ever had to do. Jessica consulted with their priest on how to tell her children so that they understood that their father was not coming back.

“My kids were beyond wrecked. It was the worst thing you would have to say to a child.” Jessica tried to comfort their hyperventilating daughter while fielding gut-wrenching questions from their son like “did he cry” and “was he scared.”

The first few days after the shooting were a blur of grieving, hosting relatives, and logistics such as recovering Josh’s wedding ring and recognizing that his body was so destroyed from the shots that an open casket funeral would be impossible. Through all of

this, Jessica was still “trying to comprehend that the person I love is gone.”

Jessica later watched the recording of the livestream from the shooter’s phone. “Watching the shooter walk up and down the hallway with that gun. He never could have done the damage that he did if he didn’t have that gun, that kind of gun. Josh didn’t stand a chance—he tried to run.”

The emotional toll on Josh’s family cannot be understated. Jessica knows that Josh was her “person,” the love of her life whom she got just ten short years with. Their children are in therapy, constantly afraid to go to school or for their mother to go to work, knowing that work is where their father was killed. “The impact never quits. We’ve never really gotten to stable ground.” Jessica cannot enjoy a happy moment or milestone in the children’s lives without thinking about Josh missing it. Josh lived for his kids; he was there for everything—volunteering, attending games—and was involved with the church. Josh was sensitive, thoughtful, and wore his heart on his sleeve. He kept a journal of notes he wrote to his kids to give them when they were older. Because of an assault weapon in the hands of a civilian, they will never know what else he would have shared with him.

F. Assault on First Responders, Burnsville, MN.

In the early morning of February 18, 2024, in Burnsville, Minnesota, firefighter-paramedic Adam

Finseth responded to a domestic violence call. Inside the home, a man had barricaded himself with seven children, ages two to fifteen.⁴³ He was armed with two AR-15 style weapons, one fitted with a binary trigger,⁴⁴ which fires one round when the trigger is pulled and another when the trigger is released, delivering twice the rounds—and damage—in the same amount of time.⁴⁵ The shooter released two barrages of fire on the responding SWAT and Emergency Action team, ultimately firing over 100 rounds, killing Adam and two police officers and wounding another, before turning a gun on himself.⁴⁶ Adam’s sister, Amber, and

⁴³ Steve Karnowski, *What to Know About the Minnesota Shooting that Killed 2 Police Officers and a Firefighter*, AP News (Feb. 21, 2024), <https://apnews.com/article/burnsville-minnesota-police-shooting-details-d0bf1062499b25a818da45c3c9596a28>.

⁴⁴ Josh Skluzacek, *Woman Who Bought Guns Used in Burnsville Shooting of First Responders Sentenced to Nearly 4 Years in Prison*, KTSP-5 News (Sept. 10, 2025), <https://kstp.com/kstp-news/top-news/woman-who-bought-guns-used-in-burnsville-shooting-of-first-responders-to-be-sentenced/>.

⁴⁵ Press Release, U.S. Att’y’s Off. Dist. Of Minn, *Burnsville Woman Pleads Guilty to Straw Purchasing Firearms Used in Fatal Shooting of First Responders* (Jan. 15, 2025), <https://www.justice.gov/usao-mn/pr/burnsville-woman-pleads-guilty-straw-purchasing-firearms-used-fatal-shooting-first>.

⁴⁶ Adam Duxter, *BCA Releases Evidence, Body Cam Footage from Burnsville Standoff That Killed 3 First Responders*, CBS News (Mar. 25, 2026), <https://www.cbsnews.com/minnesota/news/burnsville-minnesota-standoff-first-responders-killed-evidence-shannon-gooden/>; Kyle Brown, *BCA: Suspect Fired More Than 100 Rounds in Burnsville Shooting that Killed 3 First Responders*, KSTP-5 News (Feb. 22, 2024), <https://kstp.com/kstp-news/top->

father, Brad, live with the shock and grief that followed.

1. *Brad and Amber Finseth.*

Adam Finseth was a veteran who served two tours of duty while in the Army, survived cancer, and worked as a paramedic during the COVID-19 pandemic. He joined the Burnsville Fire Department because he felt called to keep serving others. A veteran, sportsman, and hunter, Adam believed that assault weapons belong only with the military. He had been trained to use them and understood the damage they cause. Amber still cannot believe that, after everything he survived, he was killed by an assault weapon in his own community while trying to save someone else's life. "He lived through so many dangers from the age of 20, only to be killed on American soil, where assault weapons have become all too easy to access."

Brad remembers their last night together after a family gathering on the Saturday after his birthday. "Adam and I sat outside, had one last beer, hung out, and went to bed." "And then it was a nightmare." At 7:00 a.m. Sunday, Adam's wife banged on the door shouting, "Brad, it's Adam." The family's lives turned "upside down." Adam and Amber's mother called Amber that morning and just said, "Adam is gone." "I remember screaming." While in the hospital, Brad

[news/bca-suspect-in-deadly-burnsville-standoff-fired-more-than-100-rounds/](#).

asked to just touch the gurney Adam laid in, but was stopped by a Burnsville liaison, who explained that “technically he is evidence.” The rest of that week was a blur.

Because other mass shootings with assault weapons remind them of Adam’s murder, the family generally avoids the news. Still, they think every family that joins them in this loss is bound by a sorrow none of them chose.

Adam’s loss reaches beyond his family. He gave years to the military before serving as an EMT and firefighter-paramedic, treating strangers through the pandemic. Adam cannot be replaced. His community lost a trusted neighbor who had committed his life to helping others. As one detective told Amber, even when shots started to ring out again and first responders were shouting at Adam to get to safety, he continued to provide care to those who had already been shot—looking out for others before himself. Adam died alongside two police officers, and their families and communities share in this loss.

Adam was always there for his family and friends, patient and understanding with people no matter how different they were. They miss his advice, the way he made people feel, and how he was the “constant guiding light” to those around him. They miss his laugh and his hugs, which they heard and felt for the last time the night before the shooting. Gathered at Adam’s family lake cabin, they feel his absence most.

They grieve for the life he does not get to live. Amber reflects, “He was just getting started.”

CONCLUSION

The threat of violence from the uniquely destructive force of assault weapons looms over all aspects of American life. It ravages communities and threatens those exercising their faith, spending time with their families, at their schools, their public spaces, their jobs, and their comfort and safety every day. *Amici* urge this Court to consider their stories: the real life, human impact of putting assault weapons into the hands of civilians. The Court should preserve governments’ ability to enact appropriate measures that limit the havoc wreaked by these assault weapons.

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Respectfully submitted,

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APPENDIX A

LIST OF AMICI CURIAE

Katharine Brescia

Present at shooting in FL school

Rachel Fedeli

Present at mass shooting⁴⁷ in CO movie theater

Robert Gaafar

Present at mass shooting at NV music festival

Salli Garrigan

Present at mass shooting in CO school

Thao Ha

Present at mass shooting

Paul Kemp

Lost brother-in-law in shooting at OR mall

Trenna Meins

Lost family member in mass shooting at CA holiday event

⁴⁷ *Amici* use the term “mass shooting” herein to refer to incidents in which three or more people were killed, excluding the shooter, consistent with federal law’s definition of “mass killings.” *See, e.g.*, 6 U.S.C.A. § 455(d)(2)(A); 28 U.S.C.A. § 530C(b)(1)(M)(i)(I).

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Tina Meins

Lost father in mass shooting at CA holiday event

Susan Rothman

Present at mass shooting in CA elementary school

Elizabeth Russell

Present at mass shooting in CA veterans' treatment home

Barbara Sarkany-Gore

Present at mass shooting in CA elementary school

Gabby Scott

Threatened with and stalked by wielder of assault weapon

Anne Thalheimer

Present at shooting in MA music school

Judith Weldon

Present at mass shooting in CA elementary school