

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 *AMICI CURIAE* CARLEE SOTO PARISI,
JILLIAN SOTO-MARINO, CARLOS MATHEW SOTO,
DONNA SOTO, JACQUELINE BARDEN,
MARK BARDEN, JENNIFER HENSEL, ALISSA
PARKER, ROBERT PARKER, IAN HOCKLEY,
NICOLE HOCKLEY, DAVID WHEELER, AND
FRANCINE WHEELER IN SUPPORT OF THE
RESPONDENTS AND AFFIRMANCE**

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STATEMENT OF INTEREST OF *AMICI CURIAE*¹

Amici curiae are family members of children and educators killed in the Sandy Hook Elementary School Shooting on December 14, 2012.

Amici Carlee Soto Parisi, Jillian Soto-Marino, and Carlos Mathew Soto are the siblings of first-grade teacher Victoria Leigh Soto. *Amica* Donna Soto is Vicki Soto's mother.

Amici Jacqueline and Mark Barden are the parents of first-grader Daniel Gerard Barden.

Amica Jennifer Hensel is the mother of first-grader Avielle Rose Richman. Avielle's father is deceased.

Amici Alissa and Robert Parker are the parents of first-grader Emilie Alice Parker.

Amici Nicole and Ian Hockley are the parents of first-grader Dylan Christopher Jack Hockley.

Amici David and Francine Wheeler are the parents of first-grader Benjamin Andrew Wheeler.

1. Pursuant to Supreme Court Rule 37.6, *amici curiae* certify that a party's counsel did not author this brief in whole or in part; a party or a party's counsel did not contribute money that was intended to fund preparing or submitting the brief; and no person—other than the above-listed *amici curiae* or their counsel—contributed money that was intended to fund preparing or submitting the brief.

The assault on Sandy Hook Elementary School, carried out by an untrained, 112-pound youth armed with an AR-15-style rifle, is graphic proof of the unusual and extreme lethality of that firearm and the harm it is capable of inflicting on American communities. *Amici* seek to protect other American families from becoming casualties in another AR-15 killing spree. Restrictions on these weapons are constitutionally appropriate and crucial to that purpose.

SUMMARY OF ARGUMENT

The right to bear arms is not a right “to keep and carry any weapon whatsoever.” *Dist. of Columbia v. Heller*, 554 U.S. 570, 626–27 (2008). It is limited by the historical tradition prohibiting “the carrying of dangerous and unusual weapons.” *Id.* at 627. A state’s legislature may restrict possession of unusually dangerous weapons that wreak excessive, lethal harm on the public. *See United States v. Rahimi*, 602 U.S. 680, 691, 698 (2024). The AR-15-style rifle is such a weapon and is accordingly appropriately restricted by Conn. Gen. Stats. §§ 53-202a *et seq.* and other similar enactments, such as Cook County, Ill. Code § 54-212(a).

The AR-15-style rifle that enabled the shooter to kill twenty-six people in under five minutes at Sandy Hook Elementary School was purchased legally. In the aftermath of the shooting, the twenty-six lives taken at Sandy Hook Elementary School could not be restored. The faith of a community and a state in its peace and security could not be re-made. But the state’s legislature could and did take appropriate measures to protect Connecticut’s citizens from future AR-15 attacks by enacting restrictions on

that unusually and extremely lethal firearm. Connecticut’s restrictions on these weapons, Conn. Gen. Stats. §§ 53-202a *et seq.*, recognize and respond to the unusual and extreme dangers they pose.

ARGUMENT

THE AR-15 IS UNUSUALLY AND EXTREMELY LETHAL

The Armalite 15 rifle was made for the battlefield. Its design harnesses technology to obliterate enemy combatants. Easy to use and light-weight, the AR-15 has a barrel designed for high muzzle velocity and deadly accuracy, low-recoil semi-automatic fire capability, and the ability to accept a 30-round or higher external magazine of relatively small and lightweight bullets that themselves are engineered for extreme velocity and lethality.² These design features combine to create the battlefield virtues of “phenomenal lethality,” “increased ability to penetrate helmets and body armor” and “engineer[ing] to generate maximum wound effect.”³ Semi-automatic fire mode—a design feature the AR-15 shares with the M-16—confers another battlefield advantage: it is “the most important firing technique during fast-moving modern combat.”⁴ Teamed with large capacity magazines, fired in semi-

2. *Grant v. Lamont*, 23-1344 (2d Cir. Aug. 22, 2025), Record 34, JA214-216, JA224, JA241-JA243, Donohue Decl. ¶¶ 44, 48, 65-66, 103-110.

3. *Grant*, R. 44, Plaintiffs’ Special Appendix (SPA) at 48-49, Decision on Pl. Motion for Prelim. Injunction, at 48-49 (quoting Donohue Decl. ¶¶ 103-06, 109).

4. *Id.* at 49 (quoting Donohue Decl. ¶ 107).

automatic mode, these weapons unleash torrents of accurately aimed bullets in a matter of seconds.

And that is before yet speaking of the effect rounds projected from an AR-15-style rifle have on the human body. These rounds shred organs and cause torrential bleeding on impact.⁵ More bullets hit more bodies, and the effects of those bullets are more lethal. Instead of being hit by just one bullet, the body is hit with three, and each wound alone would kill.⁶ The impact on the small bodies of children at Sandy Hook is documented.⁷

5. *Id.* at 48 (citing Donohue Decl. ¶ 109); JA241-JA243, Donohue Decl. ¶¶103-110; JA-241, Donohue Decl. ¶ 104 n. 78.

6. *Grant*, R. 34, JA-216, Donohue Decl. ¶ 48-49; JA-219-JA-220, Donohue Decl. ¶ 55-57; JA-241, Donohue Decl. ¶ 104 (quoting Advanced Research Projects Agency, Office of the Secretary of Defense, *Field Test Report, AR-15 Armalite Rifle*, at 22 (July 31, 1962)) (““At a distance of approximately 15 meters, one Ranger fired an AR-15 full automatic hitting one VC [(Viet Cong)] with 3 rounds [of Caliber .223] with the first burst. One round in the head-took it completely off. Another in the right arm, took it completely off, too. One round hit him in the right side, causing a hole about five inches in diameter. It cannot be determined which round killed the VC but it can be assumed that any one of the three would have caused death.”).

7. *See, e.g.*, Davis Dunavin, *Medical Examiner: Newtown Shooting Victims Suffered ‘Devastating Set of Injuries’*, Mansfield, CT Patch (December 15, 2012) (Quoting from a press conference by Dr. H. Wayne Carver II of the Connecticut Office of the Chief Medical Examiner who stated as to the nature of the Sandy Hook victims’ injuries “[t]his probably is the worst I have seen or the worst that I know any of my colleagues having seen.” Dr. Carver II added that “the victims I had ranged from three to 11 wounds apiece” and that they had been shot “all over”). <https://perma.cc/AF2H-3ZCB>.

It is sometimes argued that AR-15-style rifles sold for civilian use are safer than M-16s because civilian-market AR-15-style rifles do not have an automatic fire mode. That is not so. The Army's own Field Manual states that semi-automatic fire is the "most important firing technique during fast-moving, modern combat," and notes that "[i]t is surprising how devastatingly accurate rapid semi-automatic fire can be."⁸ Saying that the AR-15's extreme lethality is meaningfully diminished because it does not have fully automatic capacity "is like saying that a conventional bomber is not a war plane because it isn't carrying a nuclear payload."⁹

The widespread availability of AR-15-style rifles has had catastrophic effects on public safety in America. "[W]ith the invention and commercial availability of new technologies that gave individuals or small groups of people the power to kill large number of people in a short amount of time," the "character of mass murder began to change."¹⁰ There is "a growing preference for using assault weapons and large capacity magazines" to perpetrate attacks, particularly in high-fatality mass shootings.¹¹ Our children are all too often the targets of these attacks. Not only is the frequency of mass shootings rising in America, the frequency of mass shootings in schools is rising.¹²

8. *Grant*, R. 34, JA-242, Donohue Decl. ¶ 107.

9. *Id.*

10. *Grant*, R. 44, SPA-56, Decision on Pl. Motion for Prelim. Injunction at 56 (quoting Roth Decl. ¶ 44).

11. *Id.* at 47 (quoting Klarevas Decl. ¶¶ 13-13).

12. *Grant*, R. 34, JA-216-JA-218, Donohue Decl. ¶¶ 49-50.

The urge to violence has existed throughout human history. One of the things that has restrained it is the physical difficulty of killing another human. Assault weapon technology all but eliminates that physical difficulty—and that is precisely why it is appropriately restricted by Conn. Gen. Stat. §§ 53-202a *et seq.*, and Cook County, Ill. Code § 54-212(a).

I. THE SANDY HOOK SHOOTER’S LEGAL ACCESS TO AN AR-15-STYLE RIFLE ENABLED HIM TO KILL TWENTY CHILDREN AND SIX EDUCATORS IN UNDER FIVE MINUTES

For his assault on Sandy Hook Elementary School the Sandy Hook shooter chose a Bushmaster AR-15, the XM15-E2S.¹³ The weapon was legally purchased in

13. This was the same model weapon that had been used in the infamous “DC sniper” shootings that paralyzed the District of Columbia, Maryland and Virginia in 2002, a decade before Sandy Hook. See Fox Butterfield, *Sniper Victims in Settlement with Gun Maker and Dealer*, N.Y. Times (Sept. 10, 2004), <https://www.nytimes.com/2004/09/10/us/sniper-victims-in-settlement-with-gun-maker-and-dealer.html>. It was also the model chosen by the Buffalo, NY Tops supermarket shooter, who wrote, “there are very few weapons that are easier to use and more effective at killing than firearms, especially the Bushmaster XM-15 I will be using,” before killing ten and wounding three. See Cameron McWhirter & Sadie Gurman, *Accused Buffalo Gunman Described Why He Chose His Firearms, Body Armor*, The Wall Street Journal (May 16, 2022), <https://www.wsj.com/livecoverage/buffalo-ny-supermarket-shooting-latest-news/card/accused-buffalo-gunman-described-why-he-chose-his-firearms-body-armor-7vfPgmLKvLEV6oE13Cg-7vfPgmLKvLEV6oE13Cg>.

Connecticut.¹⁴ Despite the lethality of AR-15-style rifles and large capacity magazines, Connecticut's then-existing assault weapons restrictions permitted the sale of the Bushmaster XM15-E2S and the 5.56 mm rounds¹⁵ housed in 30-round magazines that the shooter would use.¹⁶ If Connecticut's now-operative assault weapons restrictions had been in effect at that time, those sales would not have taken place.¹⁷

The shooter had no military or police weapons training.¹⁸ He was not physically strong. At six feet tall, he weighed 112 pounds.¹⁹ But armed with the AR-15, large capacity magazines, and attack tactics learned through first-person shooter games, he unleashed torrents

14. See Office of the State's Attorney for the Judicial District of Danbury, *Report of the State's Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Connecticut on December 14 2012*, (2013), <https://perma.cc/T6GR-2S2C> ("State's Attorney's Report") at 2, 25, 36.

15. The rounds used by the shooter are sometimes also described as being .223 rounds. In fact they were 5.56 mm rounds. State's Attorney's Report at 18 n.31. Both 5.56 mm rounds and .223 rounds travel at extreme velocity and have extreme wounding functionality.

16. See P.A. 01-130; see also State's Attorney's Report at 2, 25, 36.

17. See Conn. Gen. Stats. §§ 53-202a(1)(B)-(E), 53-202b, 53-202c, 53-202w.

18. See State's Attorney's Report at 28, 30-35.

19. *Id.* at 27.

of bullets in seconds.²⁰ In the words of the weapon’s manufacturer, he made the “[f]orces of opposition ... bow down.”²¹ He inflicted killing wounds on twenty children and six educators in just 264 seconds.²² Had the shooter been carrying another firearm, he would not have been able to so easily carry, load, and fire so many well-aimed 5.56 mm rounds in so short a time—and amici’s loved ones could be alive today. The lethal prowess of the weapon he carried made Sandy Hook the historic tragedy that it is.²³

The mass loss of life caused by an amateur shooter with an AR-15-style rifle at Sandy Hook Elementary School was no accident. The result at Sandy Hook is exactly what the AR-15’s field testing predicted. Mass shootings since Sandy Hook repeat the proof. On May 24, 2022 in Uvalde, Texas, a young male shooter with no combat training used an AR-15-style rifle and large capacity magazines to kill 19 students and two teachers

20. *See id.* at 19-22, 25, 35-36; *see also id.* Appendix A84-A88, A118, A125-A134, A136-140 (Sandy Hook Elementary School shooting timeline, ballistics diagrams, shooter description).

21. *See Grant*, R. 34, JA-237, Donohue Decl. ¶ 93 (describing Bushmaster assault rifle slogan).

22. *See* State’s Attorney’s Report at Appendix A84-A88 (timeline).

23. It is noteworthy that only two people suffered non-lethal wounds. *See* State’s Attorney’s Report at 1-2.

and wound at least 17 others.²⁴ On July 4 in Highland Park, Illinois, a young male shooter with no known firearms training used an AR-15-style rifle and large capacity magazines to kill seven and wound at least 47 others.²⁵ In Dayton, Ohio on August 4, 2019, a similarly armed shooter using a 100 round drum magazine killed nine and shot 17 others in just 32 seconds.²⁶

During his assault on Sandy Hook Elementary School, the shooter used only one weapon—the Bushmaster AR-15-style rifle—to attack.²⁷ He fired 154 5.56 mm rounds, using thirty-round magazines in taped reloads to reduce his reload time.²⁸ Acting alone and without military training, he was able to commit the most devastating crime in Connecticut history because of the technical attributes of his weapon.

24. See U.S. Department of Justice, *Critical Incident Review: Active Shooter at Robb Elementary School*, xii (2024), <https://perma.cc/TU4F-WYV3>; see also Texas House of Representatives Investigative Committee on the Robb Elementary Shooting, *Texas House of Representatives Investigative Committee on the Robb Elementary Shooting Interim Report 2022*, 36 (July 17, 2022), <https://perma.cc/AS3F-YC6U>.

25. See NBC 5 Chicago, *Highland Park Parade Mass Shooting Victims Now Include 7 Killed, 47 Injured*, (July 5, 2022), <https://www.nbcchicago.com/news/local/injuries-in-highland-park-fourth-of-july-parade-mass-shooting-rise-to-38/2873555/>.

26. *Grant*, R. 34, JA-234, Donohue Decl. ¶ 84.

27. See State’s Attorney’s Report at 2, 5, 10.

28. *Id.* at 17-22; Appendix A118.

In the words of Nicole Hockley, the mother of first-grader Dylan:

There were a lot of guns that our shooter could have chosen. He chose the AR-15 because he was aware of how many shots it could get out... that it would serve his objective of killing as many people as possible in the shortest time possible.

II. NO ONE CAN BRING BACK THOSE LOST AT SANDY HOOK

There were twenty-six lives taken on December 14, 2012 at Sandy Hook Elementary School.

Victoria Soto

Victoria Leigh Soto was 27 on December 14, 2012, and the first-grade teacher in Sandy Hook Elementary School's Classroom 10.

Vicki had known she wanted to be a teacher since she was three years old. She worked hard to get there. Attending Eastern Connecticut State University in Willimantic, she excelled and graduated with a double major in history and education. Vicki was the oldest of the four Soto children, a role model to her two younger sisters and her brother.

Every year Vicki had big plans for setting up her classroom to welcome her new students. In what became a family tradition, she would enlist her siblings to help change the bulletin boards and arrange her classroom

in fun and engaging ways. Her enthusiasm only grew as school got rolling. She would sit with her mom, Donna, on the patio cutting out letters and talking about each of her students.

That morning on the long drive from her home in Stratford, Vicki was blasting Christmas music. She was bringing in all the ingredients so her class could make gingerbread houses for the holidays.

Vicki died trying to protect her students.

Daniel Barden

Daniel Barden was—at age 7—one of the older children in Sandy Hook Elementary School’s Classroom 8. Daniel understood things about life in a way that prompted many who knew him to call him an “old soul.” He was not only bright and loving, he understood what it meant to live life with compassion. He would take notice of children who sat alone and would ask to go sit with them or invite them to join an activity.

Daniel was the baby of the family, growing up in a happy little house. He got a lot of attention from his two older siblings. He giggled with his older brother and sister, keeping small secrets from their parents.

On the morning of the shooting, Daniel walked to the bus with his father Mark. They were talking about how they would have pizza that night, because Friday night was family pizza night. It was going to be a great Friday night.

Mark put Daniel on the bus and hugged him and kissed him and told him he loved him. He had no way of knowing it would be the last time.

Dylan Hockley

Dylan Hockley was six. He had a beaming smile that lit up a room and an infectious laugh. His older brother was his best friend. Dylan loved the moon, and garlic bread, and being right next to his mom, Nicole.

Dylan was a child with autism and was learning to read. He would come home every day from school proudly bearing a new book. One of the main reasons the Hockley family moved to Sandy Hook was the school's special education program. Dylan's parents had chosen Sandy Hook Elementary School for Dylan because there was a strong focus on special education needs and Newtown could provide the staff and the services and the expertise to help Dylan.

The last time Dylan's father, Ian, saw him was the morning of December 14th. Ian had to be at work by seven, so he got up very early. He looked in the boys' room. They were asleep, so Ian whispered goodbye and went to work.

Avielle Richman

On the morning of December 14, 2012, Avielle Richman had plans to leave school early with her family and go see the Rockettes perform. Avielle wasn't supposed to be in school at all that day, but she really wanted to build gingerbread houses with her class. Avielle's mom Jenn says "this girl had crazy, crazy curly hair and she had her father's smile; just half of her face was this smile, just like his. She was not at all shy..." Avielle was a lover of stories—both hearing them and telling them. "She was our only child, she was everything."

On the morning of the shooting, Jenn took Avielle to the bus. She got on and they blew kisses through the window to each other.

Jenn says:

I don't think you heal from something like this.
I think you forever hold grief and you rebuild
some joy back into your life, and it balances.
And some days, on other days, one takes over
the other and the other days the grief is just
so awful.

Emilie Parker

On December 14, 2012, Emilie Parker woke up early, like she usually did. She waited until 7 a.m. to get out of her bed because that was the family rule. When her father Robbie poked his head into her room before leaving for work, she smiled and they exchanged good-mornings and I-love-yous in Portuguese, a language Emilie was learning from her dad. She had begged him to teach her.

Emilie's parents felt that she was this amazing glue and bond in their home. Each person had their unique relationship with her, including her two younger sisters. She loved to draw and paint and wanted to open an art gallery when she grew up.

On the morning of the shooting, Emilie's mother, Alissa, took her to the bus. They had a family tradition that when the kids got on the bus, they would all turn around and wave goodbye. But that morning was rushed,

and Alissa had to help another child. Emilie ran over and gave Alissa a hug and got on the bus. She didn't turn around and wave. Alissa stood there waving, waiting for her to turn and wave back, and she didn't. That was the last time Alissa saw Emilie.

Benjamin Wheeler

On the morning of December 14, 2012, Benjamin Wheeler, 6, wasn't sure if he wanted to be an architect, a paleontologist, a lighthouse keeper—or all three at once. Ben was an avid reader and was becoming a very strong swimmer. He really hated the fact that he “was already 6 and hadn't lost any teeth.” Each morning Ben could hardly wait to get to Classroom 8.

On the morning of the shooting, Ben's mother, Francine, drove him to school. It was about 9 o'clock and Ben was so excited to go into school that he left the car door open. Francine told him to close the door. She doesn't remember if she said I love you, she just remembers saying close the door. She says, “That was the last thing I said to him, and then he went in.”

III. THERE SHOULD BE NO NEXT TIME

In the words of *amica* Nicole Hockley, “I do not want to be someone sharing my experience and consoling another parent next time. I do not want there to be a next time.”

In the words of *amicus* Ian Hockley,

I speak for our dead son Dylan, who never stood a chance as he stared down the barrel of a military grade weapon. I cannot bring Dylan back, but together we must try to avoid the next mass shooting using these weapons and prevent many more families suffering the horrors we experienced.

In the words of *amicus* Mathew Soto,

An assault weapons ban would have saved my sister Victoria Soto. The AR-15 used in the Sandy Hook School Shooting should not have been sold to the public. This piece of legislation has and will continue to save lives in the state of Connecticut. These weapons were created for military use and still serve our military and law enforcement; they should not be sold to the public.

In the words of *amicus* David Wheeler, “I would respectfully request that every parent in this country who hears these words simply pause for a moment and think. Ask yourself, what is it worth doing to keep your children safe?”

In the words of *amica* Jillian Soto-Marino:

The Connecticut assault weapon ban is vital in ensuring that what happened to my sister never happens to another family again. The repeal of this legislation would strip back what my family as well as countless others who have lost loved ones worked to accomplish.

In the words of *amica* Jackie Barden, “We know the price of inaction.”

In the words of *amicus* Mark Barden, “No one should feel the pain. No one should feel our pain or the pain felt by the tens of thousands of people who’ve lost loved ones to senseless gun violence.”

In the words of *amica* Jennifer Hensel:

A moral imperative is truly at hand. My child died in the arms of Connecticut’s purview; her blood pooling on the floor of her first-grade classroom. Her life was ended by multiple bullets to her face. I would not recognize her face, is what I was told. I knew every mark on her beautiful body. I didn’t need to see her face to know what was taken from me. In response to her death, legislation was implemented enacting stricter gun legislation—an assault weapons ban. Please do not be swayed by the rhetoric of those attempting to overturn this hard-won ban. Please, do not allow more blood to soak our Connecticut soil from assault-style weapons. A fundamental duty to protect all in Connecticut is at stake.

CONCLUSION

For all these reasons, *amici* request that the judgments below be affirmed.

Respectfully submitted,

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