

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, ET AL., RESPONDENTS.

ON WRITS OF CERTIORARI
TO THE UNITED STATES COURTS OF APPEALS
FOR THE SEVENTH AND SECOND CIRCUITS

**BRIEF FOR PROSECUTORS AGAINST GUN
VIOLENCE AS *AMICUS CURIAE* IN SUPPORT OF
RESPONDENTS**

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INTEREST OF AMICUS CURIAE

Prosecutors Against Gun Violence (“PAGV”) is an independent, nonpartisan coalition that identifies and advances prosecutorial and policy solutions to the national crisis of gun violence.¹ PAGV is composed of fifty prosecutors, serving tens of millions of residents, in jurisdictions spanning nearly thirty states. As prosecutors, PAGV’s members play a critical role in protecting public safety, a paramount objective of state and local government. This mission includes promoting best practices for prosecuting gun offenses, defending commonsense gun restrictions, and working with constituents to understand the best means of enforcing existing laws.

PAGV Co-Chair Alvin L. Bragg is the District Attorney of New York County (“DANY”). DANY enforces state and local criminal laws in Manhattan, the most densely populated county in the country with nearly 1.7 million residents. Combatting gun violence is DANY’s top priority.² DANY routinely prosecutes defendants who use firearms to perpetrate violent crimes, including murders, assaults, and robberies. Beyond criminal prosecutions, DANY also devotes considerable resources to addressing the underlying causes of violent crimes, a crucial

¹ PAGV certifies that this brief was not written in whole or in part by counsel for any party and that no person or entity other than PAGV, its members, and its counsel has made any monetary contribution to this brief’s preparation or submission. PAGV’s membership roster appears at <https://prosecutorsagv.org/about>.

² Gun Violence, Manhattan Dist. Att’y’s Off., available at <https://www.manhattanda.org/our-work/gun-violence> (accessed on Oct. 27, 2026).

component of law enforcement's effort to stop gun violence.

PAGV Co-Chair Zach Klein is the Columbus City Attorney. Among other responsibilities, his office prosecutes criminal cases in the City of Columbus, which is the largest city in Ohio. Columbus has more than 900,000 residents; it is the county seat for Franklin County; and it is the State's capital. The Columbus City Attorney's Office prosecutes misdemeanor offenses inside the City of Columbus, including cases of domestic violence as well as weapons-under-disability charges. In addition, the Columbus City Attorney's Office has been a leading voice for commonsense gun regulations, including suing the State of Ohio to force it to fix its background check system; successfully defending the city's weapons-under-disability law; and engaging in other litigation efforts to overturn Ohio's firearms preemption law, which prohibits municipalities from passing their own gun laws.

PAGV has a direct interest in this litigation, which considers whether the Constitution forbids states—here, Connecticut and Illinois—from banning assault weapons. PAGV members enforce comparable assault-weapon bans in New York, California, Delaware, Massachusetts, Maryland, and Washington.

The experience of PAGV and its members confirms that assault weapons bans can help address what has become an exceptionally dangerous threat to members of the public and law-enforcement officers throughout the United States. PAGV thus urges this Court to affirm the decisions of the Second and

Seventh Circuits upholding Connecticut’s and Illinois’s assault weapons bans.

SUMMARY OF ARGUMENT

The Second Amendment does not entitle civilians to carry firearms that are designed for military combat. AR-15 rifles easily fall into that category. Marketed as the “civilian version” of the M-16, the AR-15 differs from the M-16 in that it fires only in semiautomatic mode, whereas the M-16 can fire in either semiautomatic or automatic mode.³ *Staples v. United States*, 511 U.S. 600, 603 (1994). That difference does not change the fact that AR-15s are designed for military combat. Indeed, rapid semiautomatic fire—*i.e.*, shooting a bullet every one or two seconds—is generally considered to be *more* deadly than automatic fire because a shooter can be more precise and can also conserve ammunition, while still outputting an enormous number of life-threatening rounds. Like the M-16, the AR-15 typically comes equipped with a number of features that render it optimal for rapid semiautomatic fire. And rifles optimized for rapid semiautomatic fire are unusually dangerous because they level the playing field between amateur gunmen and trained law-enforcement officers. Unsurprisingly, the availability of semiautomatic AR-15 rifles has enabled lone gunmen to overpower trained law-enforcement officers and armed security guards. And AR-15s are also unusually dangerous because their capacity for rapid semiautomatic fire enables gunmen to kill people so quickly and precisely that it is often

³ Semiautomatic fire discharges “only one shot with a single pull of the trigger.” *Staples*, 511 U.S. at 602 n.1. Automatic fire discharges shots “repeatedly with each pull of the trigger.” *Id.*

impossible for police to prevent large numbers of casualties, even when officers arrive on the scene immediately after a shooting starts.

ARGUMENT

AR-15 RIFLES ARE UNUSUALLY DANGEROUS MILITARY WEAPONS, AND THE THREAT THAT THEY POSE TO POLICE AND CIVILIANS IS EXCEPTIONALLY DIFFICULT TO MANAGE

In *District of Columbia v. Heller*, this Court recognized the historical tradition of banning “dangerous and unusual weapons,” including “M-16 rifles” and similar guns that are “most useful in military service.” 554 U.S. 570, 627 (2008). AR-15 rifles fall into that category because like M-16s—and unlike other semiautomatic guns—they are designed to deliver rapid semiautomatic fire, which is the most effective firing technique in modern military combat. Moreover, because the sheer volume of fire that AR-15s produce changes the dynamics of police-criminal confrontations, these guns raise “unprecedented societal concerns” and pose “regulatory challenges” that “are not [] the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 27 (2022).

A. AR-15s are designed to perform the most effective firing technique in modern military combat.

AR-15s share the core design features that make M-16s most useful in military service. *See Heller*, 554 U.S. at 627. As this Court has recognized, the AR-15 is simply a semiautomatic-only version of the M-16, which can deliver both semiautomatic and automatic

fire. *Staples*, 511 U.S. at 603. However, the semiautomatic version of the rifle is still, by any reasonable measure, designed for military use. According to the U.S. Army, the “most important” firing technique in modern military combat is “rapid semiautomatic fire,” which is performed most effectively when the soldier fires a bullet every one to two seconds, or approximately 45 rounds per minute. U.S. Dep’t of the Army, *Field Manual 3-22.9: Rifle Marksmanship: M16-/M4-Series Weapons* at 2-1, 7-12, 7-15 (2011 ed.) (“Army Field Manual”); U.S. Dep’t of the Army, *Training Circular 3-22.9: Rifle and Carbine* at 8-19 (2016) (“Training Circular”).⁴

Like M-16s, AR-15s are designed to deliver rapid semiautomatic fire. To start, AR-15s and M-16s have “identical rates” of semiautomatic fire. E. Gregory Wallace, “Assault Weapon” *Lethality*, 88 Tenn. L. Rev. 1, 21 (2020). Moreover, unlike other semiautomatic guns, AR-15s typically include three core features that make M-16s suitable for rapid semiautomatic fire: a pistol grip, a forward grip or barrel shroud, and a detachable magazine.⁵ A pistol grip “helps manage recoil during rapid or controlled fire.”⁶ A forward grip or barrel shroud also helps manage recoil because it

⁴ Available at https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN19927_TC_3-22x9_C3_FINAL_WEB.pdf (accessed on Oct. 15, 2026).

⁵ Violence Policy Center, *Bullet Hoses: Semiautomatic Assault Weapons—What Are They? What’s So Bad About Them?* at 5–8 (May 2003), available at <https://vpc.org/wp-content/uploads/2025/07/bullethoses.pdf> (accessed on Sept. 24, 2026).

⁶ Para Bellum Arms, *AR Pistol Grip Design and Selection Guide*, available at <https://pb-arms.com/design/pistol-grips/> (accessed on Sept. 22, 2026).

enables the shooter “to hold the gun with the non-trigger hand, even though the barrel gets extremely hot from firing multiple rounds.”⁷ Detachable magazines “allow shooters to reload and fire bullets more quickly.”⁸ Unsurprisingly, then, in many tragic incidents, shooters have used AR-15s and similar assault weapons to deliver rates of fire that meet, or even exceed, the Army’s threshold for rapid semiautomatic fire. See Wallace, *supra*, at 22–23 (2019 Dayton, Ohio nightclub shooter fired 1.4 shots per second; 2016 Orlando, Florida nightclub shooter fired 2.7 shots per second; 2012 Aurora, Colorado movie theater shooter fired “slightly more than one shot per second”).

The capacity of AR-15 rifles to deliver rapid semiautomatic fire confirms their status as unusually dangerous military weapons. After all, rapid semiautomatic fire is the “most accurate” means for placing “a large volume of fire” on multiple targets, moving targets, or short-exposure targets, *i.e.*, those that quickly appear and disappear. Army Field Manual at 7-12, 7-32. That is important because, under the stressful and fast-moving conditions of modern military combat, placing a large volume of fire on the target area is often the most effective way to “increase the probability of hitting the enemy.” Thomas L. McNaugher, *Marksmanship, McNamara and the M16 Rifle: Organizations, Analysis and*

⁷ Violence Policy Center, *Bullet Hoses*, *supra* note 5, at 5 (quotation omitted).

⁸ Lucas Brady Woods, *Colorado is poised to pass some of the toughest gun laws in the country*, NPR (Mar. 26, 2025), available at <https://www.npr.org/2025/03/26/nx-s1-5335549/colorado-gun-detachable-magazines> (accessed on Sept. 22, 2026).

Weapons Acquisition, THE RAND CORPORATION, at 22–23 (1979). Rapid semiautomatic fire is also the “most accurate” technique for delivering “suppressive fire,” which is used, among other things, to “prevent [the enemy] from observing the battlefield, effectively using his weapons, or moving.” Army Field Manual at 7-15, 7-53.

The AR-15’s inability to deliver fully automatic fire does not negate its status as an unusually dangerous military weapon. Indeed, automatic fire has *less* military utility than rapid semiautomatic fire. Although there are some specific battlefield scenarios in which automatic fire can be more effective than rapid semiautomatic fire, the Army Field Manual advises soldiers that M-16s “should normally be employed in the semiautomatic fire mode”—meaning that the recommended military use for M-16s coincides with the AR-15’s design. Army Field Manual at 7-34.⁹ Automatic fire is less deadly than rapid semiautomatic fire for these two reasons: first, automatic fire is “inherently less accurate” because it generates more recoil per shot, *id.* at 7-32; and second, automatic fire consumes ammunition more quickly, *see id.* at 7-15. By contrast, rapid semiautomatic fire allows a gunman to output an enormous number of rounds more accurately and efficiently. Accordingly, a gunman who fires an AR-

⁹ The Army Field Manual “has since been replaced with an updated version, which again emphasizes the drawbacks of automatic fire, noting that ‘[a]utomatic or burst fires drastically decrease the probability of hit due to the rapid succession of recoil impulses and inability of the Soldier to maintain proper sight alignment and sight picture on the target.’” *Nat’l Ass’n for Gun Rights v. Lamont*, 153 F.4th 213, 241 n.28 (2d Cir. 2025) (quoting Training Circular § 8-21).

15 rifle at a police officer poses effectively the same threat as he would if he were carrying an M-16.

B. AR-15s enable solo amateur shooters to pose a grave and unmanageable threat to police and civilian victims.

AR-15 rifles, which are designed to deliver rapid semiautomatic fire, pose a novel regulatory challenge that the Founders could not have foreseen. *See Bruen*, 597 U.S. at 27. Assault rifles such as AR-15s enable criminals to inflict unprecedented harms because these guns serve as an “equalizer” between amateur marksmen and trained professionals. C. J. Chivers, *The Gun* at 9 (2010). Although the Army traditionally believed in the primary importance of “aimed fire,” its adoption of the M-16 assault rifle in the late 1950s reflected its conclusion that, due to the stressful and fast-moving conditions of modern combat, “it was unlikely that *in warfare* the Army’s *best* marksman would do any better than its *worst* at hitting targets,” which meant that marksmanship had become less important than delivering a large volume of fire. McNaugher, *supra*, at 4, 22–23 (emphasis in original). Because rapid semiautomatic fire is the most effective means for accurately delivering a large volume of fire in most combat scenarios, AR-15s can have the same equalizing effect as other assault rifles. Indeed, amici’s experience confirms that AR-15s and other semiautomatic assault weapons have enabled amateur shooters to inflict unprecedented harms on trained police officers and unarmed civilians.

1. AR-15s enable amateur shooters to outgun trained police officers and armed security guards.

AR-15s are designed for the military tactics that enable lone gunmen to overpower armed security guards and repel police responders. Faced with these guns, security guards and policemen confront a threat that has posed a serious challenge even to the military. During the Vietnam War, a “single guerilla” armed with an assault rifle could slow the advance of an entire company of U.S. soldiers. Chivers, *supra*, at 9. There are many tragic examples demonstrating the unprecedented disruption to social order that occurs when lone gunmen use semiautomatic assault rifles to deploy military firepower against security guards and police officers:

- On July 28, 2025, in Manhattan, New York, a lone gunman armed with an M4 semiautomatic assault rifle walked into an office building and gunned down a uniformed police officer, who was working in the building as a security guard, killing him. The gunman then shot and killed one more security guard and one civilian before he gained access to the upper floors of the building, where he killed another civilian.¹⁰
- On May 14, 2022, in Buffalo, New York, a retired police officer who was working as a security guard at a grocery store died when he

¹⁰ John Miller, *New details highlight harrowing minutes inside Manhattan office building as mass shooting unfolded*, CNN (Aug. 3, 2025), available at <https://www.cnn.com/2025/08/03/us/manhattan-shooting-timeline-911-calls> (accessed on Sept. 23, 2026).

tried, unsuccessfully, to shoot a lone gunman who walked into the store carrying an AR-15-style semiautomatic rifle. The gunman had killed three people in the parking lot before he walked into the store. He killed seven more people within the store, including the guard.¹¹

- On March 22, 2021, in Boulder, Colorado, three police officers responded to an incident in which a gunman armed with an AR-15-style semiautomatic firearm went to a grocery store and killed nine people. When the officers confronted the gunman, he shot and killed one of the officers, forcing the other two to retreat. The shooter later surrendered after exchanging gunfire with six more law-enforcement officers

¹¹ Craig Whitlock et al., *Massacre suspect said he modified Bushmaster rifle to hold more ammunition*, The Washington Post (May 16, 2022), available at <https://www.washingtonpost.com/investigations/2022/05/15/buffalo-shooting-gun-bought-bushmaster/> (accessed on Oct. 26, 2026); Stefan Becket, *Aaron Salter Jr., security guard killed in Buffalo shooting, hailed as a hero for confronting gunman*, CBS News (May 15, 2022), available at <https://www.cbsnews.com/news/aaron-salter-jr-security-guard-buffalo-shooting-victim/> (accessed on Oct. 26, 2026); Alexandra E. Petri, *What we know about how the Buffalo shooting unfolded*, New York Times (May 14, 2022), available at <https://www.nytimes.com/2022/05/14/nyregion/shooting-tops-timeline-buffalo.html> (accessed on Oct. 26, 2026); Office of the New York State Attorney General Letitia James, *Investigative Report on the Role of Online Platforms in the Tragic Mass Shooting in Buffalo on May 14, 2022* at 9–10 (Oct. 18, 2022) (“NYAG Report”), available at <https://ag.ny.gov/sites/default/files/buffaloshooting-onlineplatformsreport.pdf> (accessed on Sept. 24, 2026).

who arrived on scene and joined the two officers who survived the initial confrontation.¹²

- On February 2, 2021, in Sunrise, Florida, an assault-rifle wielding child-pornography suspect unleashed “a volley of semi-automatic fire” against a team of FBI agents who arrived at his apartment to execute a search warrant.¹³ Two agents were killed, three more were injured, and a SWAT team arrived on scene to

¹² Stephanie Butzer, *Boulder King Soopers shooting suspect pleads not guilty by reason of insanity*, ABC Denver7, available at <https://www.denver7.com/news/boulder-king-soopers-shooting/boulder-king-soopers-shooting-suspect-pleads-not-guilty-by-reason-of-insanity> (accessed on Oct. 16, 2026); Michael R. Sisak, *Mass shooters exploited gun laws, loopholes before carnage*, OPB (Mar. 25, 2021), available at <https://www.opb.org/article/2021/03/25/mass-shooters-exploited-gun-laws-loopholes-before-carnage/> (accessed on Oct. 26, 2026); Giffords, *Device Used in Boulder Shooting was on the Verge of Regulation—then the NRA Stepped In* (Mar. 25, 2021), available at <https://giffords.org/press-release/2021/03/device-used-in-boulder-shooting-was-on-the-verge-of-regulation/> (accessed on Oct. 26, 2026).

¹³ Fred Grimm, *Insane weaponry enabled Florida gunman to ambush FBI agents*, South Florida Sun Sentinel (Feb. 5, 2021), available at <https://sun-sentinel.com/2021/02/05/insane-weaponry-enabled-florida-gunman-to-ambush-fbi-agents-fred-grimm/> (accessed on Oct. 26, 2026); Jay Weaver, *Ambush in Sunrise left 2 agents dead. A year later, FBI still reviewing how it went wrong*, Miami Herald (Feb. 7, 2022), available at <https://www.miamiherald.com/news/local/article257744943.html> (accessed on Oct. 26, 2026).

help subdue the shooter. The gun battle ended when the suspect killed himself.¹⁴

- On June 12, 2016, in Orlando, Florida, a lone gunman wielding a semiautomatic assault rifle gained access to a nightclub to commit a mass shooting after winning a gun battle at the entrance to the club with an armed, off-duty police officer, who was forced to “withdraw[] in the face of superior firepower.”¹⁵
- On May 20, 2010, during a traffic stop of a minivan in West Memphis, Arkansas, a 16-year-old boy used a semiautomatic AK-47 assault rifle to kill two police officers, striking one of them with 11 rounds, and hitting the other one with 14 rounds.¹⁶ About 90 minutes later, a police car drove up to the minivan in a Walmart parking lot, but when two officers exited the police car, the boy and his father promptly gunned them down, hitting one of

¹⁴ Patricia Mazzei et al., *2 F.B.I. Agents Killed in Shooting in Florida*, New York Times (Feb. 2, 2021), available at <https://www.nytimes.com/2021/02/02/us/fbi-shooting-sunrise-florida.html> (accessed on Oct. 26, 2026).

¹⁵ Michael Ray, *Orlando shooting of 2016*, Encyclopedia Britannica (July 1, 2026), available at <https://www.britannica.com/event/Orlando-shooting-of-2016> (accessed on Oct. 26, 2026).

¹⁶ Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market* (June 2011), available at <https://www.vpc.org/studies/militarization.pdf> (accessed on Sept. 27, 2026); J.J. MacNab, *‘Sovereign’ Citizen Kane*, Southern Poverty Law Center (Aug. 1, 2010), available at <https://www.splcenter.org/resources/reports/sovereign-citizen-kane/> (accessed on Sept. 27, 2026).

them four times in the abdomen, and the other one once in the shoulder, although both officers ultimately survived. The shooters' bullets also disabled the officers' police car. Another law-enforcement officer—who was himself carrying an M4 assault rifle—used his truck to ram the van from behind and managed to shoot the father, but gunfire from the boy's semiautomatic rifle struck the officer and forced him to retreat. Other officers arrived on scene and engaged in a gun battle with the boy before ultimately killing him.¹⁷

- On April 4, 2009, in Pittsburgh, Pennsylvania, a woman called 911 and asked the police to remove her 22-year-old son from her home. When two police officers arrived at the house, the son walked out of his bedroom with a shotgun and shot one of the officers. The other officer began shooting at the young man, but he ran and retrieved an AK-47 semiautomatic assault rifle, which he then used to gun down the second officer. A third officer drove to the scene in an SUV, but the suspect used the assault rifle to shoot the officer three times before he exited the vehicle, and three more times when he managed to exit it. More officers

¹⁷ Dean Scoville, *Shots Fired: West Memphis, Arkansas 05/20/2010*, Police Magazine (Oct. 24, 2011), available at <https://www.policemag.com/articles/shots-fired-west-memphis-arkansas-05202010> (accessed on Sept. 27, 2026); Commercial Appeal, *RAW VIDEO: Walmart shooting footage* (Feb. 24, 2017), available at <https://www.commercialappeal.com/videos/news/2017/02/24/raw-video-walmart-shooting-footage/98370010/> (Sept. 27, 2026).

and a SWAT team arrived on scene and engaged the shooter in a gun battle that lasted for two-and-a-half hours before he finally surrendered. Regarding the intensity of the gun battle, a SWAT officer testified, “We began to run low on ammo because we were sustaining so much fire.”¹⁸

These examples illustrate one of the core rationales behind the historical tradition supporting a state’s choice to ban unusually dangerous weapons such as M-16s and similar guns that are most useful in military service. *See Heller*, 554 U.S. at 627. The availability of military assault rifles such as AR-15s, which are designed to perform the most effective firing technique in modern military combat, undermines the ability of police to protect themselves and secure their own communities. That is only partly because police carrying handguns face a serious disadvantage in firepower when they confront gunmen armed with AR-15s. Even when police also carry assault rifles, an assault rifle’s ability to level the playing field between trained marksman and amateur shooters can undermine the advantage that the police would normally accrue from their professional training. Thus, for shootings that involve assault weapons, police response plans often “rely heavily” on an officer’s mental preparedness “to run at gunfire . . . without adequate protection.” Report and Declaration of Mr. Phil Andrew ¶ 51,

¹⁸ Tom Diaz, *The Last Gun: How Changes in the Gun Industry Are Killing Americans and What It Will Take to Stop It* at 149–50, 152–55 (2013).

Barnett v. Raoul, 3:23-cv-209-SPM, Dkt. No. 185-2 (S.D. Ill. May 10, 2024) (“Andrew Report”).¹⁹

These factors demonstrate that AR-15s, like M-16s, fall into the category of military weapons that may be banned under the Second Amendment. *See Heller*, 554 U.S. at 627. Moreover, the AR-15’s capacity to enable amateur shooters to deploy military-style firepower against police and offset their superior marksmanship training is a grave and novel regulatory challenge that the Founders and the Reconstruction generation could not have foreseen. *See Bruen*, 597 U.S. at 27. Accordingly, *Bruen*’s historical tradition test affords states more leeway in regulating AR-15s than they would have for other kinds of guns, including other semiautomatic guns. *See id.*

2. AR-15s enable lone gunmen to kill people so quickly that it is frequently impossible for police responders to prevent mass casualties.

The design features that enable the AR-15 to deliver rapid semiautomatic fire—the most effective military technique for accurately placing a large volume of fire on a target area—give this gun a distinct ability to kill large numbers of people very quickly. Indeed, an AR-15 was used in ten of the seventeen deadliest mass shootings since 2012.²⁰

¹⁹ Available at <https://storage.courtlistener.com/recap/gov.uscourts.ilsd.94464/gov.uscourts.ilsd.94464.185.2.pdf> (accessed on Oct. 26, 2026).

²⁰ Todd C. Frankel et al., *The gun that divides a nation*, *The Washington Post* (Mar. 27, 2026), available at <https://www.washingtonpost.com/nation/interactive/2023/ar-15-america-gun-culture-politics/> (accessed on Oct. 16, 2026).

Moreover, in many tragic incidents, lone gunmen have used AR-15s and similar assault weapons to kill their victims so quickly that it was effectively impossible to prevent mass casualties, even though the police arrived on scene immediately or were already present before the shooting began:

- On July 13, 2024, during the attempted assassination of President Trump in Butler, Pennsylvania, Secret Service agents shot the gunman only 5.5 seconds after he started shooting, but he had already fired eight shots from his AR-15-style semiautomatic rifle, killing one person and wounding three others, including President Trump.²¹
- On May 6, 2023, in Allen, Texas, after a gunman began firing an AR-15 style rifle in a shopping mall, a police officer “who happened to be nearby” managed to kill the gunman within four minutes, but by that time the

²¹ James LaPorta, *Trump rally gunman fired 8 shots in under 6 seconds before he was killed, analysis shows*, CBS News (July 25, 2024), available at <https://www.cbsnews.com/news/trump-rally-gunman-fired-eight-shots-under-six-seconds-before-being-killed-by-secret-service-analysis-shows/> (accessed on Sept. 24, 2026); Victor Neva, *Would-be Trump assassin Thomas Crooks had sick obsession with guns, federal documents show*, New York Post (Sept. 15, 2026), available at <https://nypost.com/2026/09/15/us-news/would-be-trump-assassin-thomas-crooks-gun-obsession-detailed-in-federal-documents/> (accessed on Oct. 26, 2026).

gunman had already killed eight people and wounded seven others.²²

- On May 14, 2022, at a supermarket in Buffalo, New York, a gunman carrying an AR-15 style rifle fired approximately 60 rounds in two minutes before police arrived on scene. In those two minutes, the gunman killed ten people and wounded three others.²³
- On March 22, 2021, at a grocery store in Boulder, Colorado, a gunman used an AR-15-style semiautomatic firearm to kill eight people in only 68 seconds.²⁴

In these examples, gunmen were able to quickly slaughter large numbers of people because they used AR-15s and similar weapons to subject civilian victims to the most effective military technique for placing a large volume of fire on an enemy target. These examples thus lend further support to the conclusion that AR-15s are properly categorized as military weapons that may be banned under the

²² Jake Bleiberg, *What to know about the mass shooting at a Texas mall*, AP News (May 10, 2023), available at <https://apnews.com/article/shooting-outlet-mall-allen-texas-200f1ffadf7daefa42cfbe45510b083f> (accessed on Sept. 24, 2026).

²³ NYAG Report at 9–10; Petri, *supra* note 11; Whitlock, *supra* note 11.

²⁴ Stephnie Butzer et al., *Boulder King Soopers shooting trial: Opening statements begin in 'brutal and horrific and emotional' case*, ABC Denver7, available at <https://www.denver7.com/news/boulder-king-soopers-shooting/boulder-king-soopers-shooting-trial-opening-statements-begin-in-brutal-and-horrific-and-emotional-case> (accessed on Oct. 16, 2026); Sisak, *supra* note 12; Giffords *supra* note 12.

Second Amendment. *See Heller*, 554 U.S. at 627. Moreover, an effective defense against such military firepower requires “significant security preparations” that are “not reasonably available” for “lower profile gatherings such as local schools, movie theaters, neighborhood churches, and grocery stores.” Andrew Report, *supra*, ¶¶ 48–49. Necessary precautions include “significant pre-event planning,” “constant monitoring by drones and video cameras,” a “constant law enforcement presence,” and the “immediate presence of tactically trained SWAT teams.” *Id.* Venues that cannot afford such measures have “no practical way” to defend against a mass shooter armed with an AR-15. *Id.* ¶ 49. The technological advances that have enabled solo amateur shooters to pose such a grave and unmanageable threat constitute a serious regulatory challenge that is well beyond anything that the Founders or the Reconstruction generation could have foreseen. *See Bruen*, 597 U.S. at 27. Accordingly, *Bruen*’s historical tradition test gives states more leeway to regulate AR-15s than they would have when dealing with other kinds of firearms.

CONCLUSION

This Court should affirm the decisions of the Seventh and Second Circuits.

Respectfully submitted,

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