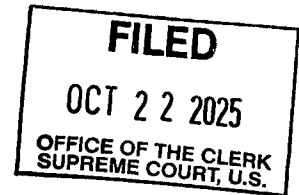


No. **25-5961**

ORIGINAL

SUPREME COURT OF THE UNITED STATES



Eva Marie Gardner, Pro Se Petitioner,

v.

STATE OF MARYLAND, RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI

SUPREME COURT OF MARYLAND

PETITION FOR WRIT OF CERTIORARI

Eva Marie Gardner, Pro Se

P.O. 30

Yanceyville, North Carolina 27379

717-415-9992

QUESTIONS PRESENTED

1. Does Maryland's prohibition on carrying a handgun without a state permit, as applied to an interstate traveler with a valid Virginia concealed carry permit who displayed a loaded firearm in self-defense against an assailant's vehicular assault and physical advance, violate the Second Amendment under *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), by lacking a historical tradition of disarming law-abiding citizens in such circumstances?
 2. Did the Maryland courts' reliance on a video showing the assailant's calm demeanor upon police arrival, without his testimony or other witnesses to corroborate the incident, while disregarding Petitioner's evidence of the assailant's PIT maneuver, vehicular coercion, and physical advance, violate the Fourteenth Amendment's Due Process Clause by denying Petitioner a meaningful opportunity to present a self-defense claim?
 3. Does Maryland's refusal to recognize Petitioner's valid Virginia concealed carry permit for interstate travel violate the Full Faith and Credit Clause, U.S. Const. art. IV, § 1, or the Firearms Owners' Protection Act (18 U.S.C. § 926A), despite the firearm being loaded and Pennsylvania's non-recognition of the permit at the time of the incident?
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LIST OF PARTIES

- Petitioner: Eva Marie Gardner, P.O. Box 30, Yanceyville, NC 27379.
 - Respondent: State of Maryland, represented by the Maryland Attorney General, 200 St. Paul Place, Baltimore, MD 21202.
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RELATED CASES

- State v. Eva Marie Gardner, Circuit Court for Montgomery County, Case No. 138914C, Judgment entered August 25, 2022.
 - State v. Eva Marie Gardner, Appellate Court of Maryland, Case No. 1496, Opinion issued April 18, 2025.
 - State v. Eva Marie Gardner, Supreme Court of Maryland, Case No. 87, Certiorari denied July 29, 2025.
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 - Appendix F: Relevant Trial Record: police report
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TABLE OF AUTHORITIES CITED

Cases

- Antonyuk v. Chiumento, 89 F.4th 271 (2d Cir. 2023) 13
- Chambers v. Mississippi, 410 U.S. 284 (1973) 13, 15
- Crane v. Kentucky, 476 U.S. 683 (1986) 13, 15
- District of Columbia v. Heller, 554 U.S. 570 (2008) 12
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- People v. Frawley, 98 Cal. Rptr. 2d 555 (Cal. Ct. App. 2000) 13
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- Wrenn v. District of Columbia, 864 F.3d 650 (D.C. Cir. 2017) 12

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- Maryland Criminal Law § 4-203 10, 11, Appendix D
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- U.S. Const. amend. II 2, 4, 10, 11, 12, 13
- U.S. Const. amend. XIV, § 1 2, 10, 13
- U.S. Const. art. IV, § 1 10, 13, 14, 15

Other Authorities

- U.S. Concealed Carry Association, Reciprocity Map (2025) 13



OPINIONS BELOW

The Supreme Court of Maryland's order denying Petitioner's petition for certiorari, dated July 29, 2025, is unreported (Appendix A).

The Appellate Court of Maryland's opinion affirming Petitioner's conviction dated April 18, 2025, is unreported (Appendix B).

The Circuit Court for Montgomery County's judgment of conviction, entered August 25, 2022, (Appendix C)

JURISDICTION

The Supreme Court of Maryland denied certiorari on July 29, 2025. This Court has jurisdiction under 28 U.S.C. § 1257(a) to review final judgments of the highest state court raising federal constitutional questions. This petition is timely filed within 90 days of the denial (by October 27, 2025), pursuant to Supreme Court Rule 13. A copy of that order appears at Appendix A

CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED

1. Second Amendment: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”
 2. Fourteenth Amendment, Section 1: “... nor shall any State deprive any person of life, liberty, or property, without due process of law ...”
 3. Article IV, Section 1: “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”
 4. Maryland Criminal Law § 4-203: Prohibits carrying a handgun without a Maryland permit (Appendix D).
 5. 18 U.S.C. § 926A: Allows interstate transport of firearms by persons with valid permits, if legal in origin and destination states (Appendix E).
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STATEMENT OF THE CASE

Petitioner Eva Marie Gardner, a law-abiding citizen with a valid Virginia concealed carry permit, was traveling through Maryland on January 16, 2021. In Montgomery County, an assailant executed a PIT maneuver, striking Petitioner's vehicle, and used his car to force her off I-270. As the assailant exited his vehicle and rushed toward Petitioner's car, she screamed to deter him. When he continued advancing, Petitioner displayed her loaded handgun in self-defense to protect against the imminent threat. Maryland police, arriving later, noted the assailant's calm demeanor in a video presented at trial and in a police report, despite no witnesses to the incident and the assailant's lack of a valid driver's license, proof of car ownership, or insurance. The assailant could not be located post-incident. Police released the assailant and arrested Petitioner for violating Maryland Criminal Law § 4-203 (Appendix D). At trial in the Circuit Court for Montgomery County, Petitioner argued that her actions were protected by the Second Amendment under *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), citing her Virginia permit and the assailant's actions (PIT maneuver, vehicular coercion, physical advance). She also raised self-defense under Maryland common law (*State v. Faulkner*, 301 Md. 482, 483 A.2d 759 (1984)). The trial court rejected these defenses, relying on a video showing the assailant's post-incident demeanor, despite his absence as a witness, and the lack of a Maryland permit, convicting her on August 25, 2022 (Appendix C). The Appellate Court of Maryland affirmed, dismissing Petitioner's *Bruen* and due process claims on April 18, 2025 (Appendix B). The Supreme Court of Maryland denied certiorari on July 29, 2025, barring reconsideration (Appendix A).

REASONS FOR GRANTING THE PETITION

This case presents critical federal questions regarding the Second Amendment rights of interstate travelers, due process in self-defense claims, and the Full Faith and Credit Clause's application to concealed carry permits. The Maryland courts' decisions conflict with this Court's precedents and affect millions of permit holders, warranting review.

I. Maryland's Application of § 4-203 Violates the Second Amendment Under Bruen

Maryland's prohibition on carrying a handgun without a state permit, as applied to Petitioner—an interstate traveler with a valid Virginia permit who displayed a firearm in self-defense—violates the Second Amendment. In *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17–29 (2022), this Court held that the Second Amendment protects the right of law-abiding citizens to carry firearms in public for self-defense, and restrictions must be consistent with the Nation's historical tradition of firearm regulation. See also *District of Columbia v. Heller*, 554 U.S. 570, 628 (2008) (self-defense as core right); *McDonald v. City of Chicago*, 561 U.S. 742 (2010) (applying Second Amendment to states). Petitioner, a law-abiding citizen with a Virginia permit, faced an imminent threat when an assailant struck her vehicle with a PIT maneuver, forced her off the road, and advanced toward her. After screaming failed, she displayed her handgun, a protected act of self-defense under *Heller* and *Bruen*. Maryland's § 4-203, lacking exceptions for interstate travelers or self-defense, fails *Bruen*'s historical test, as no Founding-era law disarmed law-abiding travelers in such circumstances. See *Bruen*, 597 U.S. at 47–50; *Moore v. Madigan*, 702 F.3d 933, 936 (7th Cir. 2012); *Wrenn v. District of Columbia*, 864 F.3d 650, 661 (D.C. Cir. 2017). Maryland's non-reciprocity burdens over 20 million permit holders. See U.S. Concealed Carry Association, *Reciprocity Map* (2025);

Antonyuk v. Chiumento, 89 F.4th 271 (2d Cir. 2023) (scrutinizing permit regimes).

Review is needed to clarify Second Amendment protections for travelers.

II. Maryland's Handling of Petitioner's Self-Defense Claim Violated Due Process

The Maryland courts' reliance on a video showing the assailant's calm demeanor at police arrival, despite his absence as a witness, no other witnesses, and his undocumented status (no valid driver's license, proof of car ownership, or insurance, and disappearance post-incident), denied Petitioner due process. The Fourteenth Amendment guarantees a meaningful opportunity to present a complete defense. *Holmes v. South Carolina*, 547 U.S. 319, 324 (2006); *Crane v. Kentucky*, 476 U.S. 683, 690 (1986); *Chambers v. Mississippi*, 410 U.S. 284, 302 (1973). Arbitrary reliance on incomplete evidence violates due process. *Taylor v. Illinois*, 484 U.S. 400, 410 (1988). Petitioner presented evidence of the assailant's PIT maneuver, vehicular coercion, necessitating her defensive display of a firearm, as noted in the police report (Appendix F) and Appellate Court opinion (Appendix B). The trial court's focus on the video, without allowing cross-examination of the assailant or corroborating witnesses, ignored Petitioner's self-defense evidence under Maryland law (*State v. Faulkner*, 301 Md. 482). The assailant's undocumented status and disappearance further undermine the video's reliability. The Appellate Court and Supreme Court of Maryland's affirmance perpetuated this error. Review is needed to ensure due process in firearm-related defenses.

III. Maryland's Refusal to Recognize Petitioner's Virginia Permit Violates the Full Faith and Credit Clause

Maryland's refusal to recognize Petitioner's valid Virginia concealed carry permit violates the Full Faith and Credit Clause, U.S. Const. art. IV, § 1, and burdens interstate travel under 18 U.S.C. § 926A (Firearms Owners' Protection Act, FOPA) (Appendix E). Article IV, § 1 requires states to respect other states' public acts, including licenses. See *People v. Frawley*, 98 Cal. Rptr. 2d 555 (Cal. Ct. App. 2000). FOPA permits interstate transport of firearms by permit holders if legal in origin and destination states.

Maryland's prosecution under § 4-203 (Appendix D) nullifies Article IV, § 1, as Petitioner's Virginia permit was valid in her origin state. Although her firearm was loaded and Pennsylvania did not recognize the permit in 2021 (recognized by 2022), Maryland's categorical non-reciprocity lacks a historical basis under *Bruen* and burdens over 20 million permit holders. See U.S. Concealed Carry Association, *Reciprocity Map* (2025). This issue, potentially unpreserved, may be raised via a state post-conviction petition for ineffective assistance of counsel. Review is warranted to address this national issue affecting interstate travelers.

CONCLUSION

Maryland's application of § 4-203 conflicts with Bruen, Heller, and by punishing Petitioner's self-defense as an interstate traveler. The courts' disregard of assault evidence violates due process under Holmes, Crane, and Chambers. Maryland's non-recognition of Petitioner's Virginia permit contravenes Article IV, § 1 and 18 U.S.C. § 926A. These issues demand clarification. The Court should grant certiorari.

Respectfully submitted,

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October 22, 2025
