

No. 25-5961

**IN THE SUPREME COURT OF THE UNITED STATES**

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**EVA MARIE GARDNER,**

**Petitioner,**

**v.**

**STATE OF MARYLAND,**

**Respondant.**

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**ON PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE  
COURT OF MARYLAND**

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**PETITION FOR REHEARING**

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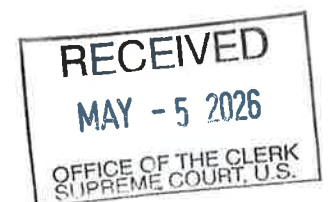
**Eva Marie Gardner, Petitioner Pro Se**

**874 Wray Road**

**La Crosse, Virginia 23950**

**571-668-0580**

**Dated: April 28, 2026**



## **PETITION FOR REHEARING**

Pursuant to Rule 44.2 of the Rules of this Court, Petitioner Eva Marie Gardner respectfully petitions for rehearing of this Court's Order entered April 20, 2026, denying the Petition for Writ of Certiorari.

This Petition is timely filed within twenty-five (25) days of this Court's Order dated April 20, 2026, pursuant to Rule 44.2.

Petitioner states that this Petition for Rehearing is presented in good faith and not for delay, and presents substantial grounds not previously presented within the meaning of Rule 44.2.

## **GROUND FOR REHEARING**

This case presents an unresolved constitutional defect of exceptional national importance:

Whether a State may criminally punish a citizen for failure to obtain a firearm permit under a licensing regime that was unconstitutional at the time of the charged conduct.

Petitioner was convicted solely for carrying and transporting a handgun without a Maryland permit.

At the time of Petitioner's January 16, 2021 conduct, Maryland enforced a discretionary "good and substantial reason" permit regime.

That regime was materially indistinguishable from *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022).

## **I. THE STATE OF MARYLAND EXPRESSLY CONCEDED THE CONSTITUTIONAL DEFECT**

Respondent expressly admitted in its Brief in Opposition:

“Maryland was among the few ‘may issue’ jurisdictions whose permit laws contained an analogue to the ‘proper cause’ standard in New York’s permit law that Bruen invalidated.”

Respondent further admitted:

“On July 5, 2022, two weeks after this Court’s decision in Bruen was issued, then-Governor Larry Hogan ordered the Maryland State Police to immediately suspend use of the ‘good and substantial reason’ standard because its continued enforcement would be unconstitutional.”

And further:

“Later that month, the Appellate Court of Maryland announced the same judicially... and the state legislature formally repealed the unenforceable requirement.”

These admissions establish that Maryland’s licensing regime—the sole legal pathway by which Petitioner could have complied—was constitutionally defective.

## **II. THE CONVICTION RESTS ON AN UNCONSTITUTIONAL LICENSING FRAMEWORK**

Petitioner was convicted for failure to possess a Maryland permit.

But Maryland’s own admissions establish that, at the time of the charged conduct, Maryland’s permit system operated under an unconstitutional standard.

Respondent's position creates a constitutional impossibility: Petitioner was prosecuted for not obtaining a permit under a regime the State now concedes was unconstitutional.

A State cannot constitutionally punish a citizen for failing to obtain a permit under a regime later acknowledged to have been unconstitutional all along.

That question was not directly addressed in the denial of certiorari.

### **III. INTERSTATE TRAVEL AND ARMED SELF-DEFENSE HEIGHTEN THE CONSTITUTIONAL SIGNIFICANCE**

Petitioner was traveling lawfully from Virginia to Pennsylvania.

Petitioner possessed a valid Virginia carry permit.

Petitioner displayed the firearm only after being forced off the roadway and approached in a threatening manner.

The Second Amendment's core protection—armed self-defense—was directly implicated.

### **IV. RAHIMI CONFIRMS THE CONTROLLING HISTORICAL ANALYSIS**

In *United States v. Rahimi*, 602 U.S. 680 (2024), this Court reaffirmed that firearm restrictions must be rooted in historical tradition.

Maryland identified no historical tradition supporting punishment of interstate travelers carrying firearms for lawful self-defense.

Nor did Maryland identify any historical analogue supporting criminal punishment for failure to comply with an unconstitutional permit regime.

**CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Court grant rehearing, vacate the denial of certiorari, and grant the Petition for Writ of Certiorari.

Respectfully submitted,

By: *Eva Marie Gardner*

April 28, 2026

Eva Marie Gardner  
Petitioner Pro Se  
874 Wray Road  
La Crosse, Virginia 23950  
571-668-0580  
Dated:

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**CERTIFICATE OF SERVICE**

I, Eva Marie Gardner, certify that on this 28th day of April, 2026, I served a true and correct copy of this Petition for Rehearing and Motion for Leave to Proceed In Forma Pauperis by United States Mail, postage prepaid, upon:

Office of the Attorney General of Maryland

200 Saint Paul Place

Baltimore, Maryland 21202

Counsel for Respondent

I declare under penalty of perjury that the foregoing is true and correct.

By: *Eva Marie Gardner*

Eva Marie Gardner