

No. \_\_\_\_\_

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

TERRENCE TEMPLE, PETITIONER,

v.

PEOPLE OF THE STATE OF ILLINOIS, RESPONDENT.

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**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE APPELLATE COURT OF ILLINOIS**

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**PETITION FOR WRIT OF CERTIORARI**

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## QUESTION PRESENTED FOR REVIEW

This Court has repeatedly held that the Second Amendment protects a general right to bear arms in public for self-defense. *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1, 33 (2022). Our Nation’s historical tradition of firearms regulation includes restrictions on possession in certain “sensitive places,” which have been identified as schools, courthouses, legislative assemblies, and polling locations. *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008); *Bruen*, 597 U.S. at 30. This Court has cautioned however, that “expanding the category of ‘sensitive places’ simply to all places of public congregation that are not isolated from law enforcement defines the category of ‘sensitive places’ far too broadly.” *Bruen* at 31. But courts have done just that. Illinois’ First District Appellate Court has upheld a ban on firearms in public parks that imposes felony penalties for possession of any ready-to-use firearm, finding such a ban constitutional because public parks are a sensitive place. App.1. The First District adopted the Ninth Circuit’s reasoning in *Wolford v. Lopez*, 116 F.4th 959 (9th Cir. 2024), *cert. granted in part*, 146 S. Ct. 79, 222 L. Ed. 2d 1241 (2025) to justify the decision below.

The question presented is **whether the Second Amendment permits a state to criminalize the possession of any ready-to-use firearm in all public parks by imposing felony penalties, including two to five years in prison, on violators.**

## **PARTIES TO THE PROCEEDING**

Petitioner is Terrence Temple, who was the Defendant-Appellant in the court below. No stock ticker is applicable. Respondent, the State of Illinois, was the Plaintiff-Appellee in the court below. No stock ticker is applicable.

## **RELATED PROCEEDINGS**

The following proceedings are directly related to this case:

- *People of the State of Illinois v. Terrence Temple*, Supreme Court of Illinois, No. 132350, petition for leave to appeal denied January 28, 2026.
- *People of the State of Illinois v. Terrence Temple*, First District Appellate Court, No. 1-24-0917, judgment affirming circuit court's order entered August 8, 2025, rehearing denied September 3, 2025.
- *People of the State of Illinois v. Terrence Temple*, Circuit Court of Cook County, No 10 CR 1452901, order denying petition for relief from judgment entered March 29, 2024.
- *People of the State of Illinois v. Terrence Temple*, Circuit Court of Cook County, No 10 CR 1452901, sentencing order entered January 21, 2011.

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No.  
IN THE  
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---

TERRENCE TEMPLE, Petitioner,

-vs-

PEOPLE OF THE STATE OF ILLINOIS, Respondent.

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On Petition For Writ Of Certiorari  
To The Appellate Court Of Illinois

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The petitioner, Terrence Temple, respectfully prays that a *writ of certiorari* issue to review the judgment below.

**OPINION BELOW**

The decision of the Illinois Appellate Court (Appendix A, App.1–19) is reported at 2025 IL App (1st) 240917, 271 N.E.2d 64, and is published. A copy of order denying rehearing (Appendix B, App.20) is not reported. The order of the Illinois Supreme Court denying leave to appeal (Appendix C, App.21) is reported at 274 N.E.3d 100.

**JURISDICTION**

On August 8, 2025, the Appellate Court of Illinois issued its decision. A petition for rehearing was timely filed and denied on September 3, 2025. The Illinois Supreme Court denied a timely filed petition for leave to appeal on January 28, 2026. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### U.S. Const. amend. II

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.

### 720 ILCS 5/24-1 (West 2010)

#### § 24-1. Unlawful Use of Weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a)(10) does not apply to or affect transportation of weapons that meet one of the following conditions:

- (i) are broken down in a non-functioning state; or
- (ii) are not immediately accessible; or
- (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a Class A misdemeanor.

(c) Violations in specific places.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) [...] in a public park [...] commits a Class 3 felony.

Additional statutes involved are reproduced in Appendix D, App.22–26.

## STATEMENT OF THE CASE

### A. Petitioner's Conviction

Petitioner Terrence Temple pled guilty on September 3, 2010 to a single count of unlawful use of a weapon, now referred to in Illinois as unlawful possession of a weapon. App.2. He was convicted of possessing a loaded and immediately accessible firearm while in a public park in violation of 720 ILCS 5/24-1(a)(10) and (c)(1.5) (West 2010), a Class 3 felony punishable by two to five years in prison. App.1–2. His arrest for the offense occurred on July 11, 2010, and he was sentenced to two years in prison. App.2.

### B. Constitutional Challenge

After this Court's decision in *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1, 33 (2022), Mr. Temple challenged the constitutionality of his conviction by filing a *pro se* petition for relief from judgment, an Illinois procedural vehicle that allows a party to move to vacate a final judgment. 735 ILCS 5/2-1401 (West 2022). While a petition filed under section 2-1401 must usually be filed within two years, the Illinois Supreme Court has recognized that a conviction based on a facially unconstitutional statute is void *ab initio*, and a void conviction can be challenged at any time. *In re N.G.*, 2018 IL 121939, ¶¶ 56-57, 115 N.E.3d 102, 124–25; *In re M.I.*, 2013 IL 113776, ¶ 39, 989 N.E.2d 173, 188; *People v. Price*, 2016 IL 118613, ¶ 30, 76 N.E.3d 1240, 1246. In his December 6, 2023 filing, Mr. Temple alleged that his conviction was void because it was based upon a facially unconstitutional statute. App.2. The State moved to dismiss Mr. Temple's petition, relying on a pre-*Bruen* appellate court decision, *People v. Bell*, 2018 IL App (1st) 153373, ¶ 30, 107 N.E.3d

1047, that upheld Illinois’ ban on firearm possession in parks after reviewing the statute under means-end scrutiny. App.3. The circuit court denied Mr. Temple’s petition on March 29, 2024, finding that the conviction was not affected by the firearms restrictions held unconstitutional in *People v. Aguilar*, 2013 IL 112116, 2 N.E.3d 321; App.3. His conviction “‘wasn't simply just carrying a gun,’ the circuit court explained, ‘it was carrying a gun in a public park.’” App.3. At no point in proceedings before the circuit court did the State argue it had established a historical tradition that permitted firearm bans in public parks.

### **C. Appellate Review**

Mr. Temple appealed, arguing that under the test set out in *Bruen*, Illinois’ ban on firearm possession in parks was facially unconstitutional and that his conviction was void. App.13. Illinois’ First District Appellate Court affirmed the conviction, holding that the statute was constitutional because public parks are sensitive places where firearms may be prohibited. App.13. The decision below relied on the reasoning of *Wolford v. Lopez*, 116 F.4th 959, 982 (9th Cir. 2024), *cert. granted in part*, 146 S.Ct. 79, 222 L.Ed.2d 1241 (2025), in which the Ninth Circuit found that there were no founding-era spaces relevantly similar to modern parks. The First District Appellate Court adopted the Ninth Circuit’s definition of modern parks as “outdoor gathering places where people engage in social, political, and recreational activities.” App.11. The decision below found that the State had met its burden to show a historical tradition of firearm restrictions in parks based on the late-nineteenth century municipal statutes proffered in *Wolford* and that a lack of constitutional challenges to those statutes enacted long after the founding demonstrated a historical tradition of banning

firearm possession in public parks. App.14–15. Additionally, the First District Appellate Court rejected the argument that felony penalties are inconsistent with the historical tradition demonstrated by the statutes, which only imposed fines. App.16–17. The First District Appellate Court also found, without further explanation, that “public parks are analogous to schools, which the United States Supreme Court has recognized as the kind of sensitive place where gun regulation is constitutional.” App.13.

The Illinois Supreme Court declined to review the appellate court decision. App.21.

## REASONS FOR GRANTING CERTIORARI

- I. This Court should clarify that public parks—a broad category of public space—are not one of the few sensitive places where firearm possession may be banned outright.**

Does a person who walks into a public park relinquish their Second Amendment rights? This Court’s recent decision in *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1 (2022) left open the question of what places beyond those already enumerated may be considered sensitive, and this Court should grant review in this case to ensure that the category is not so broadly construed as to permit flat bans on firearm possession in all public parks, rendering them spaces where Americans cannot exercise their Second Amendment rights.

Under *Bruen*, governments must demonstrate the constitutionality of regulations which burden Second Amendment rights by establishing that those restrictions are consistent with the historical tradition of firearms regulations, in both how and why they burden the right. *Bruen*, 597 U.S. at 29; *United States v. Rahimi*, 602 U.S. 680, 692 (2024). In *District of Columbia v. Heller*, 554 U.S. 570, 626–27 (2008), this Court cautioned that its opinion should not “be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.” *Bruen* identified that those sensitive places also include “legislative assemblies, polling places, and courthouses,” but the question at issue in *Bruen* did not present the “occasion to comprehensively define ‘sensitive places[.]’” *Bruen*, 597 U.S. at 30. That list of sensitive places is not exhaustive, as “courts can use analogies to those historical regulations of “sensitive places” to determine that modern

regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible.” *Id.* (emphasis in original).

But not every location where the government seeks to restrict guns is a sensitive place. This Court recognized in *Bruen* that “sensitive places” is a limited category that does not encompass all public spaces and rejected as far too broad a proposed definition of sensitive places as “all places of public congregation that are not isolated from law enforcement.” *Bruen*, 597 U.S. at 31. Courts have nevertheless expanded the category to all public parks, a significant portion of public space where Americans should have the right to bear arms. Under the reasoning of Illinois’ First District Appellate Court, a ban on all ready-to-use firearms in public parks, punished with felony penalties, is constitutional as a permissible restriction of firearm possession in a sensitive place. App.13. This Court should grant review in the petitioner’s case to clarify that the category of sensitive places is not so broad as to include all public parks, lest the exception permitting restrictions in a few sensitive places swallow the rule of the general right to bear arms in public for self-defense.

A. *Public parks that existed at the founding did not have firearm restrictions, and upholding firearm bans at parks today would trap the Second Amendment in amber.*

This Court has stated that the Second Amendment right to bear arms “naturally encompasses public carry.” *Bruen* 597 U.S. at 32. Public parks are a broad swath of public space, and a flat ban on firearm possession in parks is therefore a significant restraint on the right to bear arms in public for self-defense. The First District Appellate Court adopted the Ninth Circuit’s definition in *Wolford v. Lopez*, 116 F.4th 959 (9th Cir. 2024) that today’s public parks are “outdoor gathering places where

people engage in social, political, and recreational activities.” App.11. Public parks are used for myriad reasons beyond gatherings, as places where people exercise, appreciate nature, or use as a thoroughfare. Such public spaces are the quintessential locations where armed self-defense may be necessary, as “[m]any Americans hazard greater danger outside the home than in it.” *Bruen*, 597 U.S. at 33, citing *Moore v. Madigan*, 702 F.3d 933, 937 (7th Cir. 2012).

Illinois’ unlawful possession of a weapon statute does not offer a specific definition of the term “public park,” but the relevant section of the statute prohibits firearm possession on “any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town.” 720 ILCS 5/24-1(a)(10) (West 2010). The statute imposes Class A misdemeanor penalties on violators generally but Class 3 felony penalties on those whose commission of the offense occurs in a public park. 720 ILCS 5/24-1(b), (c)(1.5) (West 2010). Elsewhere in Illinois’ criminal statutes, a “public park” is defined to “include[] a park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State or a unit of local government.” 720 ILCS 5/11-9.4-1(a) (West 2026) (defining “public park” for purposes of the statute prohibiting the presence or loitering of sexual predators and child sex offenders in or near public parks). As a result, the areas where firearms can be outright banned as public parks include a considerable portion of the public space that is open to all, including state parks, municipal parks, and even recreation areas.

In order for the government to meet its burden to show a statute banning firearms in public parks is constitutional, the government must demonstrate a historical tradition that would authorize felony penalties for any firearm possession

in public parks, with a premium placed on evidence from the time of the founding. *Bruen*, 597 U.S. at 34–35. There is ample evidence that the Boston Common and other parks and green spaces that existed at the time of the founding were used for the exact same purposes that the Ninth Circuit and the First District Appellate Court used to define modern parks. Anne Beamish, *Before Parks: Public Landscapes in Seventeenth- and Eighteenth-Century Boston, New York, and Philadelphia*, 40 *Landscape J.* 1, 14 (2021). The Boston Common was set aside as public space in 1634 and used for socializing and recreation. Beamish, 3. Prior to the founding, large crowds of people gathered in the Common to listen to preachers, as there were no buildings that could accommodate so many people, and it was the site of celebrations for military victories. Beamish, 5; see also *Steele v. City of Boston*, 128 Mass. 583, 583 (1880) (describing the Common “as a place of public resort for the recreation of the people” “from time immemorial”).

In New York, City Hall Park began as a “public commons” in the 17th century, and Bowling Green was established as a place for the “Recreation & Delight of the Inhabitants of this City” in 1733. *The Earliest New York City Parks*, N.Y. City Dept of Parks and Recreation, <https://www.nycgovparks.org/about/history/earliest-parks> (last visited April 21, 2026). These parks, in addition to the Battery, were used prior to the founding for recreation, sports, strolling, markets, and political demonstrations. Beamish, 7-8. Savannah, Georgia was planned around open public squares, which around 1800 were landscaped and used to promenade, and Philadelphia had public squares and gardens used for recreation. *Wolford v. Lopez*, 125 F.4th 1230, 1242 (9th Cir. 2025) (VanDyke, J., dissenting from denial of rehearing *en banc*) (citing Turpin

Bannister, *Oglethorpe's Sources for the Savannah Plan*, 20 *J. of Soc'y of Arch. Hist.* 47, 48 (1961) and E.L. Carey & A. Hart, Philadelphia in 1830–1, 145–46 (1830)).

The government did not present any restrictions on firearm possession in those places from the time of the founding. Rather, the First District Appellate Court relied on the finding in *Wolford* that modern parks are not relevantly similar to these founding-era parks. App.14–15; *Wolford*, 116 F.4th at 982. The Ninth Circuit found that the Boston Common was not comparable to a modern park because it was primarily used for military exercises and grazing animals. *Id.* Justice VanDyke, in dissenting from the denial of rehearing *Wolford en banc*, identified that the uses of the Boston Common and other public parks at the founding have stayed consistent, articulating that “[w]hile I suppose it's certainly true that the Founders didn't ride ten-speeds or talk on cell phones in public parks, there is ample historical evidence of public parks used for recreational purposes in the colonial and Founding eras.” *Wolford v. Lopez*, 125 F.4th 1230, 1242 (9th Cir. 2025) (VanDyke, J., dissenting from denial of rehearing *en banc*). Because of “the undeniable presence of recreational-use parks at the Founding,” the government’s failure to proffer restrictions from that time “should be dispositive.” *Id.* at 1243. It has not been, as courts like the Ninth Circuit and the First District Appellate court have instead “reconceptualized parks at the Founding as merely ‘public green spaces,’ as opposed to the ‘outdoor gathering places’ that ‘modern’ parks serve as today.” *Id.* at 1243.

Permitting courts to define public parks as a new type of space—instead of analogous to founding-era public parks where firearms were not restricted—effectively traps the Second Amendment in amber. This Court has held that the Second

Amendment does not apply only to muskets and sabers but also regulates bearable arms that were not yet in existence at the time of the founding. *Heller*, 554 U.S. at 582. Though firearm possession was not restricted in founding-era parks, courts now draw a vague distinction between the uses of those parks and modern parks in order to justify imposing felony penalties for any possession of a ready-to-use firearm in a park. This is the same logic that would interpret the Second Amendment to only regulate eighteenth-century arms and permit bans of more recent weapons like handguns. Without this Court's intervention, the modern equivalents of founding-era spaces where firearms were not restricted will now be considered among the sensitive places where Second Amendment rights are non-existent.

*B. Since Bruen, courts have incorrectly upheld firearms restrictions at public parks by allowing the government to rely on much later history and disparate analogues.*

After *Bruen*, courts have allowed governments to rely on much later history and on historical analogues that bear little resemblance to modern restrictions in order to justify firearms prohibitions at public parks. These practices are inconsistent with this Court's directive in *Bruen*.

First, courts have permitted much later history to establish a historical tradition permitting firearm bans in public parks, despite this Court's admonishment that "to the extent later history contradicts what the text says, the text controls." *Bruen*, 597 U.S. at 36. Nevertheless, the Ninth Circuit stated that since prohibitions on possession at sensitive places were a part of the Nation's tradition of firearms regulation, the inquiry was whether *particular places* fall into the category of sensitive places, and the Ninth Circuit allowed that "a small number of laws, even localized laws, can suffice,

if those laws were viewed as non-controversial.[...]Whether a place falls within that tradition requires an examination of laws, including 19th-century laws.” *Wolford*, 116 F.4th at 980. The Ninth Circuit permitted governments to justify firearm restrictions in particular locations under the following conditions: “one way that Defendants can show a historical tradition is by establishing that, when a type of place first arose, or first arose in modern form, states and municipalities began to regulate the possession of firearms at that type of place, the regulations were considered constitutional at the time, and the regulations were comparable to a tradition of regulating a similar place or places in the earlier years of the Nation.” *Id.* at 981. Then, by drawing the ahistorical distinction mentioned above between the uses of founding-era parks and modern parks, it excused the government’s reliance on late-nineteenth century municipal statutes, allowing regulations enacted long after the founding to establish a historical tradition of banning the possession of firearms in public parks. *Id.* at 983. All of the statutes *Wolford* relied upon were from the latter half of the nineteenth century, and only the regulations at Central Park and Prospect Park in New York City and Fairmount Park in Philadelphia predated the ratification of the Fourteenth Amendment.<sup>1</sup> *Id.* at 982. In the decision below, the First District Appellate Court adopted the same reasoning, finding that the public parks of the founding-era were not

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<sup>1</sup> The Ninth Circuit cited the following firearm prohibitions in parks: Central Park (New York City, 1858) Prospect Park (New York City, 1866); Fairmount Park (Pennsylvania, 1868); Golden Gate and Buena Vista Parks (San Francisco, 1872); Liberty Park (Salt Lake City, 1888); Chicago (1872); South Park, Illinois (1875); Phoenixville, Pennsylvania (1878); Saint Louis (1881); Danville, Illinois (1883); Boston (1886); Reading, Pennsylvania (1887); St. Paul, Minnesota (1888); Trenton, New Jersey (1890); Grand Rapids, Michigan (1891); Springfield, Massachusetts (1891); Lynn, Massachusetts (1892); Spokane, Washington (1892); Pittsburg, Pennsylvania (1893); Wilmington, Delaware (1893); Canton, Illinois (1895); Detroit, Michigan (1895); Indianapolis, Indiana (1896); Kansas City, Missouri (1898); New Haven, Connecticut (1898); and Boulder, Colorado \*983 (1899). *Wolford*, 116 F.4th at 982-83.

relevantly similar to modern parks, which allowed the government to rely on the same statutes from the late-nineteenth century to establish a historical tradition of banning guns in parks. App.14–15.

Courts have also improperly permitted historical analogues that lack a strong connection to modern regulations to justify prohibitions on firearm possession in public parks. In *Antonyuk v. James*, 120 F.4th 941, 1017 (2d. Cir. 2024), the Second Circuit addressed New Jersey’s prohibition on firearm carriage. It analyzed not whether parks were sensitive locations, but whether the State had “made a robust showing of a well-established and representative tradition of regulating firearms in public forums and quintessentially crowded places.” *Antonyuk*, 120 F.4th at 1019. The founding-era Virginia and North Carolina statutes proffered in *Antonyuk* addressed fairs and markets, and the Reconstruction-era statutes likewise addressed “public forums and crowded places such as assemblies.” *Id.* at 1020. The *Antonyuk* court may have found a historical tradition of regulating firearms in “often crowded public forums.” *Id.* at 1021. But public parks are not necessarily crowded forums; many are natural areas intended to provide solitude.

The modern regulation restricts far more than the historical tradition of firearm bans at public assemblies by banning firearms at all public parks. While some parks may at times host public assemblies, they are not always used for such assemblies, and many public parks are not intended to be crowded at all. A historical tradition that only justifies a small portion of the conduct addressed by a modern regulation should not justify the whole. *Solomon v. Cook Cnty. Bd. of Commissioners*, 559 F. Supp. 3d 675, 693 (N.D. Ill. 2021), addressed whether forest preserves were sensitive locations,

but Justice Dow’s reasoning is applicable that an overbroad justification for a firearms restriction should fail: “[w]hen a location is designated as a “sensitive place,” all examples of that location tend to have the trait that justifies the designation. [...] In contrast, when a regulation sweeps up different types of locations, with rationales that differ or vary in strength, it tends to fare poorly on judicial review.” Accordingly, *Antonyuk*’s identification of a historical tradition of firearms prohibitions at crowded locations should not serve to justify a flat ban on firearm possession in all public parks, many of which are locations intended to provide an escape from crowds and may never serve as a location for public assemblies. *Antonyuk*, 120 F.4th at 1025–26.

Permitting governments to rely on analogues that only loosely fit the modern restriction violates the directives members of this Court have laid out for historical interpretation regarding firearm regulations, as “a court must be careful not to read a principle at such a high level of generality that it waters down the right.” *Rahimi*, 602 U.S. at 740 (Barrett, J., concurring). “Courts must proceed with care in making comparisons to historic firearms regulations, or else they risk gaming away an individual right the people expressly preserved for themselves in the Constitution’s text.” *Id.* at 711, (Gorsuch, J., concurring). The *Wolford* court excused the government from producing regulations that were “a close match” and only required ones that “evinced a principle underpinning our Nation’s historical tradition of regulating firearms in places relevantly similar to those covered by the challenged law.” *Wolford*, 116 F.4th at 980. In his dissent from denial of rehearing *en banc*, Justice VanDyke highlighted that in *Wolford*, “the panel extracted very broad principles from the historical record that could support the constitutionality of almost any firearms

restriction.” 125 F.4th at 1244.

Such breadth allows courts to recreate the results of means-end scrutiny that upheld restrictions without a founding-era analogue, despite this Court’s rejection of that approach. *Bruen*, 597 U.S. at 24. The First District Appellate Court’s analysis of Illinois’ ban on firearm possession in public parks makes this clear. In 2018, in *People v. Bell*, 107 N.E.3d 1047, 1055 (Ill. App. 1st Dist. 2018), the First District Appellate Court analyzed the same prohibition on firearm possession in public parks, and it found that “the State has not provided us with any conclusive evidence or authority stating that a public park is a sensitive place.” Only after applying means-end scrutiny to the fit between the restriction and the government’s justification did the First District uphold the ban on firearm possession in public parks. *Bell*, 107 N.E.3d at 1057. After this Court’s rejection of means-end scrutiny, the First District Appellate Court has once again reached the same conclusion on the constitutionality of Illinois’ flat ban on firearm possession in public parks, though it now claims that such a result is not at odds with the test set forth in *Bruen*. App.17.

The justifications for upholding the firearm restrictions in public parks since *Bruen* have ignored the history that founding-era parks were used for recreation and relied on statutes from much later than the historical periods this Court deemed relevant to the public understanding of the Second Amendment. These approaches are insufficient to meet the burden *Bruen* requires to restrict Second Amendment rights.

- C. *Only a few courts have followed Bruen and required governments to show analogues from the time of the founding or a close connection to the enumerated sensitive places in order to justify firearm prohibitions at public parks.*

In analyzing modern restrictions on firearm possession in parks, only a few

courts have required governments to show either founding-era historical analogues that restricted firearms in parks or a much closer connection between the enumerated sensitive places and public parks. These stricter requirements for governments to meet their burden to justify firearm restrictions should apply nationwide because they would prevent the “judicial deference to legislative interest balancing” that conflicts with the constitutionally required elevation of the Second Amendment’s “right of law-abiding, responsible citizens to use arms for self-defense.” *Bruen*, 597 U.S. at 26 (internal quotations omitted). This Court should grant review to ensure that all governments are required to meet the burden that *Bruen* sets out.

In *Springer v. Grisham*, 704 F. Supp. 3d 1206, 1215-17 (D.N.M. 2023), *aff'd in part, rev'd in part and remanded*, No. 23-2192, 2025 WL 2793787 (10th Cir. Oct. 1, 2025), the district court found the government had failed to show a historical tradition of banning firearms in public parks, though the government had relied on many of the same late-nineteenth municipal statutes and territorial laws used by courts like the Ninth Circuit in *Wolford* and the First District Appellate Court. The district court found that the government had failed to provide evidence that there were no analogues to modern parks at the time of the founding, citing Anne Beamish, *Before Parks: Public Landscapes in Seventeenth- and Eighteenth-Century Boston, New York, and Philadelphia*, 40 *Landscape J.* 1, 14 (2021) (“Today's American public park is deeply rooted in the seventeenth-and eighteenth-century utilitarian village green, common, square, and parade ground”). Furthermore, the *Springer* court found that the municipal statutes from the late-nineteenth century—the same ones relied upon in *Wolford* and the decision below—failed to establish a historical tradition because these

were outside the periods this Court identified in *Bruen* as ones that give insight into the public understanding of the Second Amendment. *Springer*, 704 F. Supp. 3d at 1218. Because “the *Bruen* decision considered late 19th century laws only to the extent they were consistent with earlier laws,” these statutes did not make the required showing without earlier laws that restricted firearm carriage at historical analogues. *Id.* at 1219. On appeal, the Tenth Circuit found that *Springer* lacked standing to challenge the public health order at issue but did not address whether parks are sensitive places. *Springer v. Grisham*, No. 23-2192, 2025 WL 2793787 (10th Cir. Oct. 1, 2025).

In *Hughes v. Lee*, No. 24475, 2025 WL 2498263 (Tenn. Ch. Aug. 21, 2025), a panel of three judges, analyzing whether parks could be considered a sensitive place, framed the question before it as “not whether parks were understood to be a location where firearms were regulated in 1791 (or in 1868)” but whether the places listed in the statute at issue, including the grounds of any public park, “are sufficiently like a school, legislative assembly, polling place, or courthouse so as to require citizens to ‘surrender the ‘central component’ of their Second Amendment rights.” *Hughes*, 2025 WL 2498263 at 18. The *Hughes* court then identified a common thread between legislative assemblies, polling places, and courthouses, finding all are places where “essential functions of a republican government are performed.” *Id.* Regarding the more difficult question of schools, the *Hughes* court found that all of the historical bans on firearm possession at schools were limited to students rather than faculty or staff, which was “a compelling argument that it was a matter of schools acting *in loco parentis* rather than a location-based exception to the right to keep and bear arms.” *Id.* at 19. In light of its analysis of sensitive places, the *Hughes* court found that none of

the locations addressed in the statute at issue, including the grounds of any public park, were analogous to any of the sensitive places that this Court has identified. *Id.* As recreational places, “they are not so vital to the continued functioning of our republic such that an armed individual could direct or alter the exercise of essential government powers through violent intimidation.” *Id.* And while children may be present in those locations, “parents are not compelled by the state to leave their children there in government custody. Attendance at such locations is voluntary, and parents may continue to watch over their children.” *Id.* The *Hughes* court found therefore that Tennessee’s prohibition on firearm possession violated the Second Amendment. *Id.* at 21.

The approach of the *Hughes* court, which requires that the government show a place is sufficiently like one of the already-identified sensitive places, would require a much closer connection between the government’s claimed sensitive place and those this Court has enumerated in order to uphold a firearm restriction. In the decision below, the First District Appellate Court relied on an unexplained comparison between parks and schools, stating that “[i]n addition, public parks are analogous to schools, which the United States Supreme Court has recognized as the kind of sensitive place where gun regulation is constitutional.” App.13. The First District Appellate Court did not provide any justification for its comparison between schools and parks or explain why the restrictions permissible at schools would apply to public parks. Firearm bans in such a large category of public space should not be based on such superficial comparisons.

The analyses by the courts in *Springer* and *Hughes*, which permit late-

nineteenth century analogues only when consistent with founding-era practice and require a close connection between a newly restricted area and one of the enumerated sensitive places, heed *Bruen*'s warning against expanding the category of sensitive places too broadly. *Bruen*, 597 U.S. at 31. This Court should ensure all courts apply the same rigor to any attempt to restrict firearm possession at public parks.

**II. Upholding bans on firearm possession in public parks as “sensitive places” punishable with felony penalties provides states an avenue to severely curtail the general right to bear arms in public.**

At the time of petitioner's arrest and conviction, there was no way to lawfully possess a ready-to-use firearm for self-defense in a public park. This statutory regime could be reimposed in Illinois and other states seeking to limit Second Amendment rights, should this Court permit public parks to be considered sensitive places. Without this Court's guidance on the outer limits of what constitutes a sensitive place, courts like the First District Appellate Court will find ways to “effectively declare the island of Manhattan a ‘sensitive place’ simply because it is crowded and protected generally by the New York City Police Department.” *Bruen*, 597 U.S. at 31. Though this Court specifically found that there was no historical basis to make that determination, courts can sweep far more public space into “sensitive places” because this Court has neither exhaustively listed them nor defined what characteristics permit inclusion of an additional place in the category. Only firearm restrictions in locations with a close connection with the enumerated sensitive places should be upheld.

If courts can construe sensitive places broadly enough to include public parks, states will have wide latitude to curtail the right to carry a ready-to-use firearm in public for self-defense. The First District Appellate Court upheld the constitutionality

of petitioner's conviction under the statute in force in 2010, which exempts from prosecution only those who possess firearms that are broken down in a non-functional state, firearms that not immediately accessible, and firearms that are unloaded and cased if carried by a person with a valid Firearm Owner's Identification Card. App.1; 720 ILCS 5/24-1(a)(10) (West 2010). There is no exception for licensed concealed carry of a ready-to-use firearm. The version of the statute currently in force does exempt possession of firearms carried in accordance with Illinois' Concealed Carry Act, but the First District Appellate Court's decision would allow Illinois to revert to the former statute and imposing felony penalties on all ready-to-use firearm possession in parks. 720 ILCS 5/24-1(a)(10)(West 2026).

Under the Appellate Court's reasoning, public parks are categorically sensitive places where flat bans on firearm possession are constitutional, therefore no exemption for licensed concealed carry is necessary. The decision below provides Illinois and other states seeking to limit Second Amendment rights a roadmap to banning all possession of ready-to-use firearms in a large category of public space. Without a more precise definition, courts could consider sidewalks to be sensitive places due to their similarity to polling places, as locations where people may be waiting in line. The expansion of sensitive places under this reasoning is not limited to Illinois. The Second and Ninth Circuits, in *Wolford* and *Antonyuk* respectively, have recently been joined by the Fourth Circuit in *Kipke v. Moore*, 165 F.4th 194, 214–16 (4th Cir. 2026) in finding that firearm prohibitions on guns in urban public parks and state forests are constitutional.

Not only does the First District Appellate Court's decision permit bans on firearms in public parks, but it endorses felony penalties for any violations. Under both

the 2010 version of the statute and the current one, a conviction for possessing a firearm in a public park carries Class 3 felony penalties, which in Illinois authorize sentences of two to five years in prison. 730 ILCS 5/5-4.5-40(a) (West 2026). Petitioner was sentenced to two years in prison for this conviction. App.2. While probation is authorized for most Class 3 felonies, Illinois now requires imprisonment for those convicted of unlawful possession of a weapon, including for firearm possession in a park. 730 ILCS 5/5-4.5-40(d)(West 2026); 730 ILCS 5/5-5-3(c)(2)(F-5)(West 2026).

Felony penalties for firearm possession in public parks result in permanent restrictions on Second Amendment rights. This Court has stated that its recent Second Amendment cases should not “be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill.” *Heller*, 554 at 626. Possession of a weapon by a felon in Illinois is a separate felony, for which a first conviction is not probationable and results in a prison sentence of two to ten years, and three to fourteen if the prior felony is for unlawful possession of a weapon. 720 ILCS 5/24-1.1(a),(e)(West 2026). Convictions for possession of a weapon by a felon have been upheld under *Bruen*. See *People v. Cox*, 2025 IL App (1st) 241260, ¶ 14, appeal denied, 273 N.E.3d 795 (Ill. 2025) (collecting recent Illinois appellate court decisions rejecting facial challenges to Illinois’ possession of a weapon by a felon statute). In addition to the period of incarceration that attaches to a felony conviction, there is a “civil death” that accompanies criminal convictions, arising from discrimination by employers, landlords, and anyone else who conducts a background check. *Utah v. Strieff*, 579 U.S. 232, 253 (2016) (Sotomayor, J., dissenting) (citing Gabriel J. Chin, *The New Civil Death: Rethinking Punishment in the Era of Mass Conviction*, 160 U. Pa. L. Rev. 1789,

1804 (2012)). Those convicted of firearm possession in a public park face not only imprisonment for a time but loss of their Second Amendment rights and a host of collateral consequences for far longer.

Upholding a flat ban on ready-to-use firearms in public parks results in this: a person exercising their Second Amendment rights may be convicted of a felony, leading not only to imprisonment but also the permanent loss of their Second Amendment rights. Because this Court has asserted that the Second Amendment is not “a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees,” this Court should not permit a statutory regime that allows a person to lose the right to bear arms by exercising it. *Bruen*, 597 U.S. at 70.

**III. Felony penalties for firearm possession in public parks are much harsher than founding-era firearm regulations, and upholding such punishments fails to comply with *Bruen*’s requirement that modern restrictions comparably burden Second Amendment rights in how they regulate.**

This Court requires that analysis of the constitutionality of firearms regulations consider of both “[w]hy and how the regulation burdens the right” to keep and bear arms. *United States v. Rahimi*, 602 U.S. 680, 692 (2024). A regulation may satisfy the “why” inquiry “if laws at the founding regulated firearm use to address particular problems.” *Rahimi*, 602 U.S. at 692. But satisfying the “why” is not sufficient: “[e]ven when a law regulates arms-bearing for a permissible reason, though, it may not be compatible with the right if it does so to an extent beyond what was done at the founding.” *Id.* While a challenged regulation need not be a “dead ringer” for a historical precursor, but it “must comport with the principles underlying the Second Amendment.” *Id.* Illinois imposed Class 3 felony penalties for petitioner’s firearm

possession in a public park. 720 ILCS 5/24-1(a)(10),(c)(1.5) (West 2010). The government did not proffer a founding-era historical analogue that authorized felony penalties for firearm possession in public, outdoor spaces, which should alone demonstrate the unconstitutionality of Illinois' ban on firearm possession in parks.

Even the historical tradition that the State relied upon—late-nineteenth century municipal ordinances—imposed categorically less severe penalties than what Illinois now imposes. In Chicago's 1872 regulations for public parks, the section prohibiting carriage of firearms in public parks was entitled "Firearms and Missiles Prohibited—Protection of Shrubbery," and other parks regulations prohibited playing ball, peddling, and bathing. Murray F. Tuley, *Laws and Ordinances Governing the City of Chicago*, 88–90 (1873). A violation of any of these park regulations, including the prohibition on firearm carriage, only resulted in a fine of between five and one hundred dollars. *Id.* at 91. Similarly, the 1875 prohibition on carrying firearms in parks in Hyde Park, Illinois, was one among several park regulations, and a violation of any of them was punishable by a fine of between five and one hundred dollars. Consider H. Willett, *Laws and Ordinances Governing the Village of Hyde Park*, 310-11 (1876). Firearm prohibitions in parks in Philadelphia, Boston, and St. Paul, Minnesota all likewise imposed fines. *Acts of Assembly Relating to Fairmount Park*, Sect. 21-22 (1868); City of Boston Department of Parks, *Thirteenth Annual Report of the Board of Commissioners for the Year 1887*, 86-87 (1888); Annual Reports of the City Officers and City Boards of the City of Saint Paul, 689 (1889).

This Court has concluded that "there is little evidence of an early American practice of regulating public carry by the general public." *New York State Rifle & Pistol*

*Ass'n, Inc. v. Bruen*, 597 U.S. 1, 46 (2022). In determining whether a modern firearm restriction fits into this Nation's historical tradition of firearm regulation, this Court has consistently considered that the punishment imposed is an important part of the analysis. While there were laws prohibiting the discharge of a firearm in certain places, such as streets or taverns, the consequences for violations were civil in nature: *i.e.*, a small fine or forfeiture of the weapon, and crucially, they were not criminal. *District of Columbia v. Heller*, 554 U.S. 570, 632–34 (2008). As explained in *Heller*, these punishments were “akin to modern penalties for minor public-safety infractions like speeding or jaywalking.” 554 U.S. at 633. In *Heller*, the severity of punishment distinguished the modern regulation from historical tradition and demonstrated its unconstitutionality. The District of Columbia's complete ban on handguns in the home was unlike those minor penalties of founding-era gun regulations and “by contrast, far from imposing a minor fine, threaten[ed] citizens with a year in prison (five years for a second violation) for even obtaining a gun in the first place.” *Id.* at 634.

Similarly in *Bruen*, this Court set out that one of the distinguishing aspects of New York's unconstitutional “may issue” licensing regime was the criminal punishment imposed. *Bruen*, 597 U.S. at 57–58. It specifically distinguished surety statutes from the New York licensing regime, explaining that unlike surety statutes, which were “intended merely for prevention,” New York's licensing law sought significant criminal penalties of up to four years in prison and a \$5,000 fine. *Id.* at 57. This Court reiterated in *Rahimi*, that what distinguished New York's law from surety statutes was “how severely the State treated the rights of its citizens.” *Rahimi*, 602 U.S. at 700. In *Rahimi*, this Court upheld a restriction prohibiting those subject to

restraining orders from possessing a firearm, in part because the penalty was a temporary restriction and explained that “the penalty [was] another relevant aspect of the burden” a government must show to justify a regulation. *Id.* at 699, 702. If historical laws allowed imprisonment of those who used firearms to threaten the physical safety of others, then the temporary disarmament of those subject to a restraining order after a judicial determination of dangerousness comported with the Second Amendment. *Id.* at 699–700.

Unlike *Rahimi*, the felony penalties imposed by Illinois for firearm possession in a public park are at odds with the historical tradition of firearms regulation and should not be upheld. The historical tradition recognized by *Wolford* and the First District Appellate Court was established by municipal statutes that imposed fines, and even under that tradition, Illinois’ felony penalties are disproportionately harsh. The severity of the authorized punishment alone should render Illinois’ ban on firearm possession in parks unconstitutional.

**IV. This case is an excellent vehicle for this Court's review and presents no procedural complications.**

This case cleanly presents the purely legal question of whether, under this Court’s decision in *Bruen*, Illinois’ ban on firearm possession in public parks that is punished with felony penalties is consistent with the Second Amendment. The question of the statute’s constitutionality was expressly raised and addressed in the appellate court below. The First District Appellate Court reached the merits of the claim and upheld the ban, finding that public parks are sensitive places and Illinois’ ban on firearm possession in them was not unconstitutional. App.13, 18. The judgment below rests on the resolution of the same constitutional question now presented to this Court,

a question that the Illinois Supreme Court declined to take up. App.21.

Petitioner pled guilty and was convicted of this offense in 2010, but there is no procedural obstacle to this Court's review from either his plea or the length of time since his conviction. Petitioner challenged his conviction in 2023 under an Illinois statutory procedure that permits a party to vacate a final judgment, including a criminal conviction, that was entered more than 30 days prior. App.3-4; 735 ILCS 5/2-1401 (West 2022). Void judgments are not subject to the two year requirement for filing of a section 2-1401 petition, and a conviction that is based on a facially unconstitutional challenge is void *ab initio* under Illinois law. *People v. Thompson*, 2015 IL 118151, ¶ 32, 43 N.E.3d 984, 990. Convictions from guilty pleas may be challenged as void. *People v. Guevara*, 216 Ill. 2d 533, 542-43, 837 N.E.2d 901, 907 (2005). Therefore, a facial constitutional challenge to a conviction can be brought at anytime. The court below recognized this and resolved petitioner's case on the merits of whether Illinois' ban on firearm possession in public parks violated the Second Amendment. App.3-4.

Further factual development in a court below is not necessary to resolve the case, as the petitioner is bringing a facial challenge to the constitutionality of the statute. The individual circumstances of the petitioner do not alter the question before this Court. The judgment below rests on the First District Appellate Court's determination that under the test set forth in *Bruen*, public parks are sensitive places where firearms may be restricted, a question that is independent of any of the petitioner's personal circumstances. This Court's resolution of that question will dispose of petitioner's case, either vacating his conviction as void *ab initio* or upholding

the statute and therefore his conviction.

This case is a criminal conviction that concerns firearm restrictions in only one location. While other cases, like *Wolford v. Lopez*, 116 F.4th 969 (9th Cir. 2024) or *Antonyuk v. James*, 120 F.4th 941 (2d Cir. 2024), have presented this Court with questions regarding the constitutionality of firearm bans in public parks, those cases stemmed from challenges to statutory regimes that included firearm restrictions in an array of locations, including places of worship, zoos, bars and restaurants. This case does not require consideration of whether many different types of locations are sensitive places. Rather, it would permit this Court to address only whether all public parks, which is a broad category of public space used regularly by people for many different purposes, can be considered a sensitive place.

The constitutional question presented in this case was raised below and addressed by the First District Appellate Court. The case presents no procedural obstacles, and it would allow this Court to consider the constitutionality of a firearms ban in only one location—public parks—and the felony penalties imposed for simple possession there. This case is therefore an excellent vehicle to resolve a question that is ripe for review: whether a flat ban on possession of any ready-to-use firearm in public parks which imposes felony penalties violates the Second Amendment

**V. Should *Wolford* clarify how states can restrict firearm possession in areas open to the public, this Court should grant, vacate, and remand this case to the Illinois Appellate Court for reconsideration.**

This Court is reviewing the Ninth Circuit's decision in *Wolford v. Lopez* on the question of whether a state may presumptively ban firearm possession by licensed concealed permit holders on private property unless the property owner gives express

permission. *Wolford v. Lopez*, 146 S. Ct. 79 (2025). While the question presented here is not the same, should this Court's resolution of the case clarify the restrictions that states can impose on firearm possession in areas open to the public, this Court should grant, vacate and remand petitioner's case to the First District Appellate Court to apply this Court's disposition of *Wolford*.

## CONCLUSION

For the foregoing reasons, petitioner, Terrence Temple, respectfully prays that a writ of certiorari issue to review the judgment of the Illinois Appellate Court.

Respectfully submitted,



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