No. _____

In the
Supreme Court of the United States
October Term, 2025

WILLIE RICHARD MINOR,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

PETITION FOR WRIT OF CERTIORARI AND APPENDIX

Karen A. Pickett
Pickett Law Offices, P.C.
Counsel of Record
125 High Street, 26th Floor
Boston, MA 02110
(617) 423-0485
Counsel for Willie Richard Minor

QUESTIONS PRESENTED

1. Whether This Court Should Grant The Petition Because The First Circuit's Opinion Results In A Sixth Amendment Violation, Contradicts *Rehaif*'s Understanding That An "Innocent Mistake" May Vitiate Knowledge And Contradicts Other Circuit Law
2. Whether This Court Should Grant The Petition To Determine Whether The Second Amendment Protects Domestic Violence Misdemeanants From A Lifetime Ban On Firearms Where There Has Been No Judicial Finding Of A Credible Threat To The Safety Of Another

RULE 14(b) DISCLOSURES

Parties to the Proceedings: Willie Richard Minor and United States of America

Corporate Disclosure: Not Applicable

Prior Proceedings: *United States v. Willie Richard Minor*, United States District Court for the District of Maine, Docket No. 17-cr-00021, final judgment entered July 12, 2024.

United States v. Willie Richard Minor, United States Court of Appeals for the First Circuit, Docket Nos. 18-1321 (Judgment (Remand) July 9, 2019); 20-1903 (Judgment (Remand) March 24, 2023); 24-1651 (Judgment January 27, 2026.

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES

Cases

Constitutional And Statutory Provisions

No. _____

In the
Supreme Court of the United States
October Term, 2025

WILLIE RICHARD MINOR,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Willie Richard Minor ("petitioner" or "Mr. Minor") respectfully petitions this Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the First Circuit that affirmed the judgment of the United States District Court for the District of Maine.

OPINIONS BELOW

The judgment and opinion of the United States Court of Appeals for the First Circuit are Appendix A to this petition.

JURISDICTION

The Judgment of the United States Court of Appeals for the First Circuit was entered on January 27, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1). The District Court had jurisdiction pursuant to 18 U.S.C. § 3231, and the Court of Appeals had jurisdiction pursuant to 28 U.S.C. § 1291.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

Second Amendment To The United States Constitution:

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.

Sixth Amendment To The United States Constitution:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Fourteenth Amendment To The United States Constitution

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

A. Procedural History

As the First Circuit noted in its opinion: "the path to this appeal is quite lengthy." *United States v. Minor*, 165 F.4th 616, 618 (1st Cir. 2026) (*Minor* III).

Mr. Minor was first tried and convicted in December 2017 for unlawfully possessing a firearm after having been convicted of a misdemeanor crime of domestic violence in violation of 18 U.S.C. §§ 922(g) and 922(a)(2).[1] *Minor III*, 165 F.4th at 619. While his appeal of this conviction was pending, this Court decided *United States v. Rehaif*, 588 U.S. 225 (2019). The Government and Mr. Minor agreed that in light of *Rehaif*, Mr. Minor's conviction should be vacated and remanded. *Minor* III, 165 F.4th at 619.

[1] As the First Circuit notes, Section 924(a)(2) was relocated to Section 922(a)(8) as a result of the Bipartisan Safer Communities Act. The First Circuit stated that it would refer to the provision in effect at the time Mr. Minor was charged, and Mr. Minor will follow suit.

Mr. Minor was convicted again at his second trial. He appealed, and a divided panel of the First Circuit vacated his conviction on the basis of errors in the jury instructions. *See United States v. Minor*, 31 F.4th 9 (2022) (*Minor* II). The Government filed a petition for rehearing *en banc*, which was granted. *Minor* II, 63 F.4th 112 (1st Cir. 2023). Mr. Minor's conviction again was vacated and remanded. In that *en banc* opinion, the First Circuit defined "knowingly" to mean that the defendant "knew the characteristics of his previous offense that brought it within the statutory definition of 'misdemeanor crime of domestic violence.'" *Id.* at 121.

Mr. Minor was tried and convicted for a third time. He was sentenced to time served. He filed an appeal to the First Circuit which entered Judgment affirming his conviction on January 27, 2026.

B. Facts Relevant To Resolution of the Petition

1. Evidence of prior Maine conviction

Government's Exhibit 9A the original complaint that issued in Maine state district court: "On or about August 23, 2009…Willie Richard Minor did intentionally, knowingly or recklessly cause bodily injury or offensive physical contact to Betty Minor. This conduct was committed against a family or household member as defined by 19-A M.R.S.A. § 4002(4)." Government Exhibit 9C is the docket report from Superior Court where the complaint was transferred on October 14, 2009. The docket reveals that on June 14, 2010, the complaint was amended by court order. The motion to amend itself is in Government Exhibit 9B (RA 109). Specifically, the motion was filed by the State of Maine to "delet[e] the following language 'This conduct was committed against a family or household member as defined by 19-AM.R.S.A. §4002(4)." (Id.)

Exhibit 10 also reveals that on that same date - - June 14, 2010 - - Mr. Minor pled nolo contendere to the amended complaint. No transcript of the change of plea hearing/amendment of complaint issue was introduced into evidence. Government's Exhibit 9C is the June 14, 2010 Superior Court Judgment and Commitment that crosses out the "domestic violence" before "Assault, Cl. D." (RA80). Nowhere on this judgment is Bettyann Minor mentioned. Mr. Minor signed this document on June 14, 2010, stating: "I hereby understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT." (RA81).

2. Testimony of former ADA Worden

The prosecutor for Mr. Minor's Maine state case, Nicholas Worden, testified as a government witness. He testified that Mr. Minor's complaint was amended to simple assault as a result of negotiations with Mr. Minor's state defense counsel,George Hess ("Mr. Hess"). (Tr. I, p. 168). The purpose of amending the complaint, according to Mr. Worden: "*to remove the domestic violence language, not convict Mr. Minor of domestic violence assault*." (Id., emphasis added).

During Mr. Worden's direct testimony, the district court instructed the jury on Maine's statutes of simple assault and domestic assault with the latter requiring that "the victim is a family or household member…" (Tr. I, p. 173).

During his cross examination, Mr. Worden testified that, although defendants in Maine court were warned at arraignment about the potential loss of firearms for certain convictions, at the time Maine did not have a firearms prohibition for domestic assault convictions. (Tr. I, 178). He testified that he understood that a plea to simple assault, as opposed to a domestic assault, would result in a federal firearms prohibition. Mr. Worden was not allowed to testify whether or not he explained this prohibition to Mr. Hess, but stated: the federal prohibition "was commonly known information in the bar." (Id., p. 187).

3. Testimony Of Mr. Minor

Mr. Minor was born in Alabama and moved to Maine in the 1980s. He worked at the International Paper Mill in Auburn, Maine for approximately twenty years. (Tr.II, p. 307-308). Mr. Minor suffered two strokes, and became "semiretired" and "decided to go to school." (Id., p. 308).

Mr. Minor admitted to receiving the arraignment advice in the video that he consult with an attorney, and he did in fact consult with Mr. Hess. (Id., p. 312). Mr. Minor testified that he "didn't think I assaulted my wife, Betty, and I – I wasn't going to plead guilty to a domestic assault charge. (Id., p. 313). Mr. Minor stated that: "there was a plea deal, and the plea deal would change the charge, and the charge would be a lesser charge of a simple assault and they would remove the language as far as a domestic, and the were going to remove Betty's name off the charging document." (Id., p. 314). Mr. Minor was shown Exhibit 9C, the judgment and commitment signed by him, that did not contain Betty Minor's name. Mr. Minor testified that his belief that Betty's name was struck from the charging documents was based on conversations he had with Mr. Hess.

During cross -examination by the Government, Mr. Minor was shown his previous testimony where when asked: "And you pled instead of to a domestic violence assault you pled to a simple assault of Bettyann Minor, correct?,' he responded, "That is correct." The prosecutor asked Mr. Minor: "you knew that you were still charged with intentionally, knowingly or recklessly causing bodily injury or offensive physical contact; is that right?" ((Tr. II, p. 342). Mr. Minor testified that he knew the offense meant that he had "intentionally, knowingly or recklessly caused bodily injury or offensive physical contact…"

Upon redirect examination, Mr. Minor was asked: "what was your understanding concerning the warnings that were given by Justice Mead [in the arraignment video] about firearms, was that state or federal law?' The prosecutor's objection was sustained after a sidebar because it went to Mr. Minor's "ignorance of the law." (Id., pp. 348-349). Mr. Minor was asked why he agreed to plead nolo: "It wasn't a domestic, so I took the plea…I didn't want my record - - it's kind of like having your name back. I didn't want to be a person convicted of a domestic. A lot of times you can't get school funding, you can't have a - - weapon - - you know a weapon, and you can't hunt." Upon a motion to strike, from the prosecutor, the district court instructed: "Members of the jury*, I am instructing you to disregard the portion of Mr. Minor's answer in which he referred to whether or not he could have a weapon*." (Id., p. 351).

<u>4. Proposed Testimony Of State Defense Counsel George Hess</u>

During a voir dire of Mr. Minor's state counsel, George Hess, Mr. Hess testified that Mr. Minor had concerns about pleading to the domestic assault charge. "He *didn't want to plead to anything which would cause him to lose his Second Amendment gun rights*…[it came up in conversations]…several times. It was something that he was very concerned about." (Tr. II, p. 356). Defense counsel asked: "And were you informed by myself of Mr. Worden's testimony yesterday that he knew that the - - amendment wouldn't make a difference and he would still have no rights to guns under federal law?" Mr. Hess testified he was so informed, and it "very much" surprised him. (Id., p 358). Mr. Hess viewed this as an evolving area of the law, but then when he did enter the plea it was "his understanding that Mr. Minor would still be able to have firearms despite the conviction." (Id.).

When arguing that Mr. Hess should be permitted to testify for the defense, Mr. Minor's counsel argued: "this all goes to Mr. Minor's state of mind as to what he was thinking and what he was trying to achieve when he took a nolo." (Id., pp. 362-363). The prosecutor argued that this testimony was not relevant, was prejudicial and an improper appeal to jury nullification. The prosecutor reminded the court of its "unconditional granting the Government's motion…prohibiting Mr. Minor from introducing any testimony, evidence or argument that he believed he was legally permitted to possess firearms *regardless of the source of that purported belief*." (Id., p. 363) (emphasis added). The judge found that the First Circuit's opinion in 2023 (*Minor* III) foreclosed this testimony because what happened at the state plea hearing many years earlier did not "relate to any of the three elements that really have to be decided here." (Id., p. 368). Ultimately, the judge ruled that Mr. Hess' testimony is neither relevant…and in fact would be prejudicial…" (Id., p. 369).

5. Mr. Minor's Motion To Dismiss The Indictment As Unconstitutional On Its Face And As Applied

As set out in the First Circuit's opinion, Mr. Minor moved to dismiss the indictment against him as unconstitutional on its face and as applied because a conviction could not stand under the Second Amendment. *Minor III*, 165 F.4th at 621. The district court assumed, without deciding, that Mr. Minor's conduct "fell within the Second Amendment's plain text." *Id.* The question next addressed by the First Circuit was whether *under New York State Rifle & Pistol Assn. v. Bruen*, 597 U.S. 1, 17 (2022) the Government had met its burden to show that "a gun regulation is nonetheless lawful under the Second Amendment" because that regulation "is consistent with the Nation's historical tradition of firearm regulation." *Minor* III, 165 F.4th at 622. The First Circuit found that Section 922(g) was consistent with historical tradition.

REASONS FOR GRANTING THE PETITION

A. This Court Should Grant The Petition Because The First Circuit's Opinion Results In A Sixth Amendment Violation, Contradicts *Rehaif*'s Understanding That An "Innocent Mistake" May Vitiate Knowledge And Contradicts Other Circuit Law

It is clear from the record that the district court believed that the First Circuit's 2023 *en banc* opinion (*Minor* II) required it to preclude evidence of Mr. Minor's belief, as a result of being convicted of a simple assault (amended from a domestic assault) entitled him to possess a firearm. But *Minor* II specifically did not decide this issue. In *Minor* II, Mr. Minor raised the same issues essentially and the First Circuit specifically found: "Without knowing the precise context in which such testimony might be proffered in the new trial, *we eschew opining presumptively on its admissibility* beyond observing that…a conviction under section 924(a)(2) for knowingly violating section 922(g)(9) does not require proof that the defendant know that he could not possess a gun…[I]gnorance of the law is no defense." *Minor* II, 63 F.4th at 125 (emphasis added).

Here, the evidence was entirely relevant to Mr. Minor's knowledge of his status as a domestic violence misdemeanant and his good faith reliance on counsel that would tend to show the basis for the lack of knowledge. Moreover, once ADA Worden testified that it was "well known" that firearm possession would be prohibited federally on a conviction under Maine's simple assault statute, Mr. Minor and Mr. Hess were entitled to impeach such a claim. The severe limitations on Mr. Minor's own testimony and the absolute prohibition on his defense counsel testifying concerning Mr. Minor's requisite knowledge violated his Sixth Amendment right to present a full and fair defense.

1. <u>Requirements Under *Rehaif*</u>

In *United States v. Rehaif*, 588 U.S. 225, 237 (2019) (emphasis added), this Court held that "in a prosecution under 18 U. S. C. §922(g) and §924(a)(2), the Government must prove both that the defendant knew he possessed a firearm and that he *knew he belonged to the relevant category of persons barred from possessing a firearm."* Since *Rehaif*, the federal courts have grappled with the evidence required to show that a defendant knew of his relevant status.

In the First Circuit's *en banc* opinion (*Minor* II), it held that the Government must prove that Mr. Minor "knew that he possessed a firearm, and, at the time he possessed it, he knew that he belonged to the category of persons convicted of a misdemeanor crime of domestic violence." *Minor* II, 63 F.4th at 124. The court approved of an instruction that would say in this regard that Mr. Minor "knew..(i.) he had been previously convicted of ..a misdemeanor; (ii.) in order for him to have been convicted of the prior offense at trial, the government would have had to prove beyond a reasonable doubt that he 'used or attempted to use…physical force'; and (iii.) the victim of that offense was, at the time of his offense, his current or former spouse." *Id.* The court also stated that 'the district court should, if asked by either party, explain that the use…of physical force means intentionally, knowingly or recklessly causing bodily injury or offensive physical contact to another person." *Id.* (quotations and citation omitted).

2. Other Circuit Court Cases Analyzing The Knowledge Of Status Requirement In Section 922(g)(9) Cases Support Mr. Minor's Claim

Other federal courts considering the issue of the evidence required to show "knowledge" of status under Section 922(g) have examined the record from a state court plea to determine the "knowledge" requirement. For example, the Seventh Circuit stated that *Rehaif* "requires the government to prove that the defendant knew he had the relevant status, *not* that he knew he was legally barred from possessing a firearm." *United States v. Triggs*, 963 F.3d 710, 715 (7th Cir. 2020). (citation omitted). The court held that - - unlike the situation whether someone "knows" he or she is a felon - - "the definition of the term 'misdemeanor crime of domestic violence' as used in § 922(g)(9) is quite complex." In *Triggs*, the court - - in applying a plain error analysis - - found that the defendant could withdraw his plea. In addition to the complicated nature of the definition of "misdemeanor crime of domestic violence," the court noted that the crime charged was a “simple battery” offense. That is *exactly* the situation here, as a result of the amendment to the complaint. The court then examined the transcript of the plea hearing in state court and found “the judge conducted only a brief and perfunctory colloquy before accepting Triggs’s no-contest pleas. The judge did not advise him of the elements of either of the offenses. Nor did the judge mention a firearm prohibition.” *Id.* at 716.

This case is better than that presented in *Triggs* for several reasons. First, Mr. Minor specifically pled guilty to the battery after the complaint had been amended to eliminate the “domestic” portion of the assault. The Government’s own witness, ADA Worden, testified that the intent of the amendment was to charge a simple assault. Second, there was no evidence presented of a plea colloquy with Mr. Minor where he was specifically instructed on the elements of the offense so that the Government could assert that he “knew” he thereafter was a “domestic violence misdemeanant.” Finally, the Judgment signed by Mr. Minor does not reflect any acknowledgment that any of the elements were explained to him or that his conviction (no longer one for domestic assault) in fact rendered him a domestic violence misdemeanant.

In *United States v. Johnson*, 981 F.3d 1171 (11th Cir. 2020), the Eleventh Circuit - - on a plain error review - - that the defendant could not establish prejudice from the faulty indictment because the evidence was strong that he knew that he of his status as a domestic violence misdemeanant. Specifically, at the Section 922(g)(9) trial, he stipulated that he had pled guilty to the charge of “domestic battery.” Mr. Minor never stipulated to this - - and in fact the record evidence is that he was convicted of a “simple battery.”

Interestingly, Judge Martin issued a long dissent in the case. Importantly, as it relates to Mr. Minor, Judge Martin finds:

> This development in the law [*i.e., Rehaif*] recognized that '[w]ithout knowledge of [his prohibited] status,' a defendant's behavior may instead be an innocent mistake to which criminal sanctions normally do not attach.' Rehaif, 139 S. Ct. at 2197.
>
> Respectfully I believe the majority's approach dilutes the knowledge-of-status requirement from *Rehaif* that may result in the government sending people to prison for 'innocent mistakes.'

Johnson, 981 F.3d at 1193 (Martin, dissenting). With the paucity of evidence that Mr. Minor knew of his prohibited status, the Government's evidence merely established that his possession of the firearm (many years after the conviction for simple battery occurred) was an innocent mistake. *See Rehaif*, 588 U.S. at 232 ("Without knowledge of that status, the defendant may well lack the intent needed to make his behavior wrongful. His behavior may instead be an innocent mistake to which criminal sanctions normally do not attach. Cf. O. Holmes, The Common Law 3 (1881) ("even a dog distinguishes between being stumbled over and being kicked.")).

In *United States v. Benton*, 988 F.3d 1231, 1237 (10th Cir. 2021) (internal quotation and citation omitted), the Tenth Circuit affirmed the defendant's conviction finding that there was sufficient evidence that the defendant "knew he belonged to the relevant category of persons barred from possessing a firearm." But in *Benton*, the defendant conceded at oral argument that he "does not challenge knowledge of his firearm possession or his knowledge of his status as a person convicted of a misdemeanor crime of violence." Id. at 1238. In this case, Mr. Minor disputed that he had such knowledge.

The First Circuit's opinion fails to recognize that an "innocent mistake" can affect mens rea as it applies to Section 922(g)(9). The First Circuit discusses "ignorance of the law" - - but in this case, Mr. Minor knew at the time of his plea about the federal prohibition against domestic violence misdemeanants, and (upon advice of counsel) negotiated a plea that reduced the charge to simple assault. He proffered testimony from his state court counsel that as a result of the amended plea, he still would be able to possess a firearm.

A good example of the difference between "ignorance of the law" vs. an "innocent mistake" is set out in *United States v. Evans,* 74 F.4th 597 (4th Cir. 2023). In that case, the defendant was convicted of a crime that he "willfully and without authority, set on fire any timber, underbrush, or grass of other inflammable material…upon any lands owned or leased…by the United States." *Id.* at 601. There, the defendant argued that the Government had to prove that he knew that he was setting fire to federal land. The court disagreed. *Id.* at 606. But that did not end the inquiry. The court found that "a defendant may cast a reasonable doubt on the existence of mens rea by showing that, under the circumstances, he reasonably believed the facts to be other than they were and that his actions would have been innocent had his belief been correct." *Id.* at 607-608.

The Fourth Circuit cited both *Rehaif* and other federal appellate courts in support of this proposition:

> "[A]n honest mistake of fact would not be consistent with criminal intent…Instead, a mistake of fact many prove the defendant lacked the culpable mental state necessary to commit the offense and is thereby relieved of criminal liability. *See United States v. Bowling*, 770 F.3d 1168, 1174 (8th Cir. 2014); *see also United States v. Iron Eyes*, 367 F.3d 781 (8th Cir. 2004) ('[I]f a defendant reasonably though mistakenly believes facts that negate the mental state for conviction…the crime simply has not been committed,*' regardless of whether it requires general or specific intent*.).

Evans, 74 F. 4th at 607 (internal quotations and citation omitted) (emphasis added).

Here, the district court completely vitiated Mr. Minor's defense. Mr. Minor was not asserting ignorance of the law. Instead, his argument was that an "innocent mistake" - - i.e., that he believed the amended charge and conviction did not constitute a domestic assault on his former wife - - was a valid defense that he did not have the requisite "knowledge" of his status as having been convicted of a misdemeanor crime of domestic violence. *See id.* at 609 (reversing where the "excluded evidence was Evans' primary defense."). The First Circuit found on this appeal that Section 922(g)(9) is not a specific intent crime. But that does not negate the ability of Mr. Minor to present evidence of his innocent mistake. *See id. See also Iron Eyes*, 367 F.3d at 784 (eschewing the necessity to decide whether gun crime charged was of "specific" or "general intent" to state that "if a defendant mistakenly believes facts that negate the mental state necessary for conviction of the offense with which he or she has been charged, the crime simply has not been committed.").

3. Mr. Minor Was Entitled To Present Evidence That He Relied Upon The Advice Of Counsel To Negate The Required *Mens Rea*

In addition to the district court's vitiating Mr. Minor's ability to present evidence of an "innocent mistake," it further erred in refusing to allow either he himself or his state defense counsel to testify as to his understanding of the impact of the charge of simple assault on his ability to possess a firearm.

In *United States v. Miller*, 658 F.2nd 235, 237 (4th Cir. 1981), the Fourth Circuit reversed the defendant's conviction for making a false statement in violation of 18 U.S.C. § 1001 after the district court failed to give a requested instruction on good faith reliance on advice The Fourth Circuit held that "[t]he reliance defense . . . is designed to refute the government's proof that the defendant intended to commit the offense." *See also United States v. Painter*, 314 F.2d 939, 943 (4th Cir. 1963) ("If in good faith reliance upon legal advice given him by a lawyer to whom he has made full disclosure of the facts, one engages in a course of conduct later found to be illegal, the trier of fact may in appropriate circumstances conclude that the conduct was innocent because the 'guilty mind' was absent.").

The good faith reliance on counsel to negate the mens rea element required in a statute appears not to be controversial, provided that the defendant had disclosed everything pertinent to his counsel. "The advice of counsel defense is a more specific form of the defense of good faith. *See* 1A Fed. Jury Prac. & Instr. § 19:08 (6th ed.). 'The thrust of [an advice of counsel defense] is that the defendant, on the basis of counsel's advice, believed his conduct to be lawful and thus could not be found to have had unlawful intent." *United States v. Beech-Nut Nutrition Corp.*, 871 F.2d 1181, 1195 (2d Cir. 1989). In other words, the advice of counsel defense is viable in circumstances where a defendant's reliance on the advice of counsel may negate the element of *mens rea*." *United States v. Ray*, 2022 U.S. Dist. LEXIS 62050, * 3 (S.D.N.Y 2022).

Another reason the judge should have allowed the testimony was - - once ADA Worden testified that it was "common knowledge" that the conviction Mr. Minor faced would subject him to a federal firearm ban - - his credibility should have been allowed to be impeach by Mr. Hess. Mr. Hess testified in his voir dire that it was an "evolving area" of the law and that Mr. Minor pleaded guilty only to the reduced simple assault charge in order to keep his firearm.

The Sixth Amendment Right of a defendant "to have compulsory process for obtaining witnesses in his favor" has long been protected by this Court:

> The right to testify is also found in the Compulsory Process Clause of the Sixth Amendment, which grants a defendant the right to call "witnesses in his favor," a right that is guaranteed in the criminal courts of the States by the Fourteenth Amendment. *Washington* v. *Texas*, 388 U.S. 14, 17-19 (1967). Logically included in the accused's right to call witnesses whose testimony is "material and favorable to his defense," *United States* v. *Valenzuela-Bernal*, 458 U.S. 858, 867 (1982), is a right to testify himself, should he decide it is in his favor to do so. In fact, the most important witness for the defense in many criminal cases is the defendant himself…Even more fundamental to a personal defense than the right of self-representation, which was found to be necessarily implied by the structure of the Amendment, is *an accused's right to present his own version of events in his own words.* A defendant's opportunity to conduct his own defense by calling witnesses is incomplete if he may not present himself as a witness.

Rock v. Arkansas, 483 U.S. 44, 52 (1987) (emphasis added).

By prohibiting Mr. Minor and his state defense counsel from presenting Mr. Minor's "version of events" concerning the state court plea and ramifications, the district court committed a violation of Mr. Minor's Sixth Amendment rights. The error cannot be harmless since it was the crux of Mr. Minor's defense, but its importance is highlighted by the question from the jury: "If Willie were convicted with 207 versus 207-A and the victim were still his wife, would that still be considered a misdemeanor crime of violence under Maine State law?" (Tr.II, p. 422). The judge, over defendant's objection, essentially told the jury that only federal law applied, and regardless of whether the conviction was under 207 or 207-A, federal law defined it as a "misdemeanor crime of domestic violence."

B. This Court Should Grant The Petition To Determine Whether The Second Amendment Protects Domestic Violence Misdemeanants From A Lifetime Ban On Firearms Where There Has Been No Judicial Finding Of A Credible Threat To The Safety Of Another

"[T]he right to keep and bear arms is among the fundamental rights necessary to our system of ordered liberty." *United States v. Rahimi*, 144 S. Ct. 1889, 1897 (2024) (internal citations and quotations omitted). If a firearm regulation is "challenged under the Second Amendment, the Government must show that the restriction is consistent with the Nation's historical tradition of firearm regulation." Id. at 1896 (internal quotations and citation omitted).

Pursuant to the Court's order denying Mr. Minor's motion to dismiss the indictment: "Minor now moves to dismiss the superseding indictment, contending that section 922(g)(9) "is unconstitutionally broad and facially invalid in defining prohibited persons and as applied to him in violation of the Second Amendment." … In support, Minor argues that because the Second Amendment protects his right as an American citizen to possess a firearm in his home, the Government must prove that restricting that right through section

922(g)(9) "is consistent with the Nation's historical tradition of firearm regulation." (RA 98).

The district court assumed, without deciding, that the Second Amendment would protect Mr. Minor's right to possess a firearm in his own home for protection. It went on to find, however, that the Government had "met its burden to show that our Nation has a historical tradition of restricting persons considered to be untrustworthy or dangerous, including persons convicted of violent offenses, such as an assault, from possessing firearms—a tradition analogous enough with the "how" and "why" of the firearms restriction in section 922(g)(9) for it to pass constitutional muster." (RA 104).

The district court's decision came before this Court's opinion in *Rahimi*. That case considered whether Section 922(g)(8) could prohibit the possession of a firearm by one subject to a restraining order. This Court found that because Section 922(g)(8)(C)(1) "bars an individual from possessing a firearm if his restraining order includes a finding that he poses 'a credible threat of physical safety' to a protected person," and there was "ample evidence that the Second Amendment permits the disarmament of individuals who pose a credible threat to the physical safety of others," that statute was constitutional. *Rahimi*, 144 S. Ct. at 1898.

In considering the historical analogs, this Court found specifically that "before an accused could be compelled to post a bond for 'going armed,' a complaint had to be made to a judge or justice of the peace by 'any person having reasonable cause to fear' that the accused would do him harm or breach the peace." *Id.* at 1900. The Court held: "When an individual *poses a clear threat of physical violence to another*, the threatening individual may be disarmed." *Id.* at 1901 (emphasis added). Interestingly, this Court declined to consider whether Section 922(g)(8)(C)(ii) which criminalizes the possession of a firearm by one who is governed by a restraining order 'that prohibits the use, attempted use, or threatened use of physical force" was "also permissible." *Id.* at 1898-1899.

In sharp contrast to *Rahimi*, Mr. Minor has never been found by a court to present a "clear threat of physical violence to another." The simple assault conviction in 2010 required no such finding. There was no evidence that Mr. Minor had used his gun outside of his home - - a sacrosanct area for protection under the Second Amendment. The district court should have dismissed the Superseding Indictment.

When faced with these arguments, the First Circuit found that a previous conviction - - as long ago as 2010 - - was sufficient to disarm Mr. Minor into perpetuity. The fact that there was no finding of ongoing or present danger at the time of Mr. Minor's admitted home possession of a firearm in 2017 mattered not to the First Circuit because Mr. Minor's previous conviction for simple assault - - which in Maine can be based on "offensive conduct" - - really was a "domestic violence" assault that allowed for a firearm prohibition. *Minor* III, 165 F.4$^{\text{th}}$ at 623. Moreover, the First Circuit gave short shrift to the fact that *Rahimi* allowed for the firearm ban while the danger to the particular person was judicially determined. The court dealt with this friction by asserting baldly that

Section 922(g) is subject to the "restoration of rights." *Id.* at 625. But Maine does not have an expungement statute and allows for the sealing of criminal records only for Class E offenses not applicable here. See 210-A M.R.S.A. § 2261.

Because Section 922(g)(9) provides an often lifetime ban on firearm possession - - even for home protection - - when there has been no showing of an immediate threat to another person, it violates the Second Amendment on its face and as applied to Mr. Minor who possessed a firearm in his home seven years after a simple assault conviction. There is no "historical analog" to the facts here to justify such a burden. The Court should grant this petition to consider this important issue.

CONCLUSION

For the reasons set forth above, Mr. Minor respectfully requests that this Court grant his petition for a writ of certiorari.

Respectfully submitted,

WILLIE RICHARD MINOR

By his counsel,

/s/Karen A. Pickett
____

Karen A. Pickett
Pickett Law Offices, P.C.
Counsel of Record
125 High Street, 26th Floor
Boston, MA 02110
(617) 423-0485
kpickettlaw@gmail.com

Dated: April 27, 2026