

IN THE SUPREME COURT OF THE UNITED STATES

WILLIE RICHARD MINOR, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether petitioner was constitutionally entitled, in his prosecution for possessing a firearm following a conviction for a "misdemeanor crime of domestic violence," in violation of 18 U.S.C. 922(g)(9) and 924(a)(2) (2012), to present evidence that, although he was aware of his prior conviction, he believed himself not to be subject to a federal firearm prohibition.

2. Whether 18 U.S.C. 922(g)(9) violates the Second Amendment on its face or as applied to petitioner.

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. A2-A12) is reported at 165 F.4th 616. The order of the district court is available at 2024 WL 1014187. A prior opinion of the court of appeals is reported at 63 F.4th 112.

JURISDICTION

The judgment of the court of appeals was entered on January 27, 2026 (Pet. App. A1). The petition for a writ of certiorari was filed on April 27, 2026. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a jury trial in the United States District Court for the District of Maine, petitioner was convicted of possessing a firearm following a conviction for a misdemeanor crime of domestic violence, in violation of 18 U.S.C. 922(g)(9) and 924(a)(2) (2012).^{*} The district court sentenced him to 57 months of imprisonment, to be followed by three years of supervised release. 4/10/18 Judgment 2-3. The court of appeals vacated his conviction following Rehaif v. United States, 588 U.S. 225 (2019). Pet. App. A3. After a second jury trial, petitioner was again convicted, but the court of appeals again vacated his conviction. Ibid. Following a third jury trial, petitioner was convicted a third time, and the district court sentenced him to time served. Id. at A4-A5. The court of appeals affirmed. Id. at A2-A12.

1. In August 2009, petitioner physically assaulted his then-wife after she refused to have sex with him. Presentence Investigation Report (PSR) ¶ 50. Petitioner chased his wife into a bathroom, hit her, shoved her into a metal shelf, and twice threw her to the floor. Ibid. Petitioner was originally charged under Maine law with domestic violence assault. Pet. App. A3. "After watching an advice-of-rights video that stated that an individual could lose their right to possess firearms if they were convicted

* All citations to 18 U.S.C. 922(g)(9) and 924(a)(2) are to the version in effect at the time of petitioner's offense.

of certain offenses -- including offenses 'that involve the use of force' against a spouse" -- petitioner declined to plead guilty to that specific charge. Ibid. (citation omitted). The state prosecutor agreed to modify the charge to simple assault and remove petitioner's wife's name from the charging document, and petitioner pleaded no contest to that charge. Ibid.

In November 2016, petitioner's then-girlfriend accused him of sex trafficking, rape, and additional physical abuse. PSR ¶¶ 19-22. The girlfriend stated that petitioner repeatedly forced her to have sex with him against her will and that he arranged for other men to have sex with her for money. PSR ¶ 20. The girlfriend explained that petitioner had posted photographs of her on a sex-trafficking website, would invite clients to his residence, and would instruct her on which sex acts to perform for money that the clients would pay to petitioner. Ibid. She also detailed daily physical abuse: Petitioner hit her with a pistol, kicked her in the head, and once tightened a belt around her neck and struck her repeatedly in the head with a sledgehammer. PSR ¶¶ 20-21. And she added that petitioner had prostituted other women and assaulted other women as well. PSR ¶ 22.

The girlfriend explained that she had eventually escaped to the home of her sister, who called law enforcement. PSR ¶ 19. Police arrested petitioner, and he admitted to owning a shotgun and a pistol without a permit and having been previously arrested

"for a domestic assault involving his now ex-wife." PSR ¶ 23. Pursuant to a search warrant, police searched petitioner's home, where they found the pistol, as well as a sledgehammer in the living room, a blood-stained comforter, and items of a sexual nature. PSR ¶ 24.

2. In February 2017, a federal grand jury in the District of Maine charged petitioner with one count of possessing a firearm following a conviction for a misdemeanor crime of domestic violence, in violation of 18 U.S.C. 922(g)(9) and 924(a)(2). Indictment 1. For purposes of that provision, a "'misdemeanor crime of domestic violence'" includes a misdemeanor offense that "has, as an element, the use or attempted use of physical force" and was committed against a "current or former spouse." 18 U.S.C. 921(a)(33)(A). The predicate offense alleged in the indictment was petitioner's 2010 Maine assault conviction. Indictment 1.

Following a trial, a jury found petitioner guilty, and the district court sentenced him to 57 months of imprisonment, to be followed by three years of supervised release. 4/10/18 Judgment 2-3. While petitioner's appeal was pending, this Court held in Rehaif v. United States, 588 U.S. 225 (2019), 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." 588 U.S. at 237.

Following Rehaif, the court of appeals vacated petitioner's conviction at the parties' request. Pet. App. A3.

3. In August 2019, a grand jury returned a superseding indictment that again charged petitioner with one count of possessing a firearm following a conviction for a misdemeanor crime of domestic violence, in violation of 18 U.S.C. 922(g)(9) and 924(a)(2). Superseding Indictment 1. The superseding indictment further alleged that petitioner "knew that he had been previously convicted of [a] misdemeanor crime of domestic violence." Ibid. A jury again found petitioner guilty, and the district court sentenced him to time served, to be followed by three years of supervised release. 9/16/20 Judgment 1-3. A divided panel of the court of appeals vacated petitioner's conviction. 31 F.4th 9, 24. The court granted rehearing en banc, 49 F.4th 22, and again ordered vacatur, 63 F.4th 112, 126.

The en banc court explained that, under Rehaif, the government must prove that petitioner knew "everything necessary to satisfy" the federal definition of a "misdemeanor crime of domestic violence," 63 F.4th at 121 -- i.e., that he knew that he was previously convicted of a misdemeanor offense that required proof that he used or attempted to use physical force, and that he knew that the victim was a current or former spouse or other specific close relation, id. at 124. In so doing, the court rejected petitioner's contention that Rehaif required the government to

additionally prove specific knowledge “that the assault crime of which he had been convicted was,” in fact, “classified as a misdemeanor crime of domestic violence” under the relevant definitional provision. Id. at 120. But because the court determined that the district court had nonetheless misstated the correct offense elements, it vacated petitioner’s conviction. Id. at 122-123.

4. Before his third trial, petitioner moved to dismiss the superseding indictment on the theory that Section 922(g)(9) violates the Second Amendment on its face and as applied to him. The district court denied the motion. 2024 WL 1014187, at *4.

Also before trial, the district court granted the government’s motion in limine to preclude petitioner from presenting evidence about his purported belief that he was legally permitted to possess a firearm. Pet. App. A4, A8. The court also precluded testimony by the attorney who represented petitioner in his Maine assault case that the state prosecutor told him that petitioner would be allowed to possess firearms if he pleaded no contest to the assault charge. Id. at A11.

A jury again found petitioner guilty, and the court sentenced him to time served. Pet. App. A4-A5.

5. The court of appeals affirmed. Pet. App. A2-A12.

The court of appeals rejected petitioner’s contention that the district court abused its discretion, or violated his Sixth

Amendment right to present a defense, by excluding evidence of his alleged belief that he was allowed to possess a firearm. Pet. App. A8-A12. The court explained that the government needed to prove only that petitioner "knew the characteristics of his predicate offense that brought it within the definition of a misdemeanor crime of domestic violence," not that he "'knew that he could not possess a gun.'" Id. at A10 (citation omitted). And it found no abuse of discretion, or constitutional violation, in the district court's determination that the latter, "not relevant" evidence risked confusing or misleading the jury. Ibid.

For the same reason, the court of appeals found that the district court did not err in excluding testimony by petitioner's state-court counsel about the anticipated effect of his plea. Pet. App. A11. The court of appeals reiterated that petitioner's subjective belief that the offense of assault against his then-wife did not meet the federal definition of a misdemeanor crime of domestic violence was not relevant to the knowledge requirement explicated in Rehaif. Ibid. The court also rejected petitioner's contention that his former counsel's testimony was admissible to impeach the testimony of a government witness, observing that petitioner had not made that argument below and waived any argument that he could satisfy the plain-error standard. Id. at A11-A12.

The court of appeals additionally rejected petitioner's contention that Section 922(g)(9) violates the Second Amendment on

its face or as applied to him. Pet. App. A5-A8. The court held that Section 922(g)(9) “fits within our nation’s tradition of firearm regulation.” Id. at A6. Relying on the historical analogues identified in United States v. Rahimi, 602 U.S. 680 (2024), the court concluded that Section 922(g)(9) permissibly disarms dangerous individuals who have been convicted of “past criminal domestic abuse” and therefore pose a “threat that the abuse will recur.” Pet. App. A7.

ARGUMENT

Petitioner renews (Pet. 8-20) his contentions that he was constitutionally entitled to present evidence of his alleged belief that he was legally permitted to possess a firearm and that Section 922(g)(9) violates the Second Amendment on its face and as applied to him. The court of appeals correctly rejected those contentions, and its decision does not conflict with any decision of this Court or any court of appeals. The petition for a writ of certiorari should be denied.

1. The court of appeals correctly rejected petitioner’s constitutional challenge to the district court’s evidentiary rulings. Pet. App. A8-A12. This Court has repeatedly denied petitions for writs of certiorari that rely on Rehaif v. United States, 588 U.S. 225 (2019), to raise similar issues. See, e.g., Gear v. United States, 142 S. Ct. 1229 (2022) (No. 21-816); Johnson v. United States, 142 S. Ct. 567 (2021) (No. 21-5432); Brown v.

United States, 142 S. Ct. 353 (2021) (No. 21-5060). It should follow the same course here.

a. Federal law prohibits the possession of a firearm by certain categories of people, including those who have previously been convicted of "misdemeanor crime[s] of domestic violence." 18 U.S.C. 922(g)(9). A separate provision, 18 U.S.C. 924(a)(2), specifies criminal penalties for anyone who "knowingly violates" that prohibition.

In Rehaif, this Court held that "knowingly" in Section 924(a)(2) modifies "both * * * the defendant's conduct" -- i.e., his possession of a firearm -- "and * * * the defendant's status" as a member of a particular restricted group. 588 U.S. at 227. The petitioner in Rehaif had challenged his conviction for possessing a firearm as an alien not lawfully present in the United States, in violation of Section 922(g)(5). Id. at 228. The Court reversed the judgment affirming that conviction, but it "express[ed] no view * * * about what precisely the Government must prove to establish a defendant's knowledge of status in respect to other § 922(g) provisions not at issue here." Id. at 237. The Court expressed "doubt," however, "that the obligation to prove a defendant's knowledge of his status" would be particularly "burdensome," because "[k]nowledge can be inferred from circumstantial evidence.'" Id. at 233-234 (quoting Staples v. United States, 511 U.S. 600, 615 n.11 (1994)).

The court of appeals properly applied Rehaif to affirm the exclusion of evidence that was irrelevant to whether petitioner had "knowledge of the facts that constitute the offense labeled a 'misdemeanor crime of domestic violence.'" Pet. App. A10. Under this Court's precedents, "a defendant generally must 'know the facts that make his conduct fit the definition of the offense,'" but need "not know that those facts give rise to a crime." Elonis v. United States, 575 U.S. 723, 735 (2015) (citation omitted). For example, in Staples v. United States, the Court concluded that, to support a conviction for possessing an unregistered machinegun, the government must prove that the defendant "knew the weapon he possessed had the characteristics that brought it within the statutory definition of a machinegun," not that the weapon was so classified under federal law. 511 U.S. at 602; see id. at 604-619. Likewise, in McFadden v. United States, 576 U.S. 186 (2015), the Court held that a defendant could be convicted of distributing a "'controlled substance analogue,'" if he "knew the specific features of the substance" that made it a controlled substance analogue, "even if he did not know its legal status as an analogue." Id. at 189, 194 (citation omitted).

The court of appeals thus correctly recognized in petitioner's previous appeal that a defendant can be convicted of a possessing a firearm following a conviction for a misdemeanor crime of domestic violence if he knew the facts that made his

previous offense a misdemeanor crime of domestic violence. 63 F.4th at 124. “[T]he government need not prove that he knew that his prior offense bore” that label under federal law. Ibid. Under this Court’s precedents, such evidence was irrelevant to the issue before the jury, and the district court permissibly excluded it. Pet. App. A10.

b. Petitioner’s basis for disagreeing with the court of appeals’ straightforward analysis is unclear. Although he states (Pet. 9) that the government needed to prove his “knowledge of his status as a domestic violence misdemeanant,” he fails to directly explain why the court of appeals was wrong to find otherwise. Indeed, at least at points, he appears to accept that the court of appeals correctly understood the knowledge requirement for his conviction. See Pet. 9-10. In particular, he appears to accept that “ignorance of the law” is not a defense, but asserts that the specific evidence that he wanted to introduce would have showed something else -- namely, an “‘innocent mistake.’” E.g., Pet. 14.

To the extent that assertion centers around the specific evidence at issue in this case, it is a fact-bound claim that does not warrant this Court’s review. The Court ordinarily does not “grant * * * certiorari to review evidence and discuss specific facts.” United States v. Johnston, 268 U.S. 220, 227 (1925). And under what the Court “ha[s] called the ‘two-court rule,’ the policy has been applied with particular rigor” where, as here, the

"district court and court of appeals are in agreement as to what conclusion the record requires." Kyles v. Whitley, 514 U.S. 419, 456-457 (1995) (Scalia, J., dissenting); see Graver Tank & Mfg. Co. v. Linde Air Prods. Co., 336 U.S. 271, 275 (1949).

Petitioner's proffered evidence that he subjectively believed that he could possess a firearm would not have shown that he made an "innocent mistake"; it simply would have shown that he misapprehended the legal consequences of facts that he undisputedly knew. Petitioner testified that he knew that he was convicted of misdemeanor assault punishable by up to 364 days of imprisonment, that he knew the victim was his wife at the time, and that he knew that an element of that offense was the use of physical force or offensive physical contact. Gov't C.A. Suppl. App. 336, 338-339, 343. Additional evidence about his subjective belief that he could nonetheless possess a firearm under federal law would be a mistake of law -- i.e., a mistake about how federal law would apply to the offense to which he pleaded. And if "ignorance of the law" is no excuse, as petitioner appears to recognize, e.g., Pet. 13-14, a mistake of law is no excuse either.

Petitioner also contends (Pet. 15-16) that he should have been permitted to put on evidence that he relied on the advice of counsel that he would be permitted to possess a gun if he was convicted of assault. But as the court of appeals explained, good-faith reliance on the advice of counsel typically negates mens rea

for only those offenses that require specific intent, as was true in all of the cases petitioner cites. Pet. App. A11. Any advice petitioner received about the legal consequences of his state conviction would not change his knowledge of "the characteristics of his prior offense that brought it within the definition of a 'misdemeanor crime of domestic violence,'" which is all that Section 922(g)(9) requires. Ibid.

Petitioner briefly asserts (Pet. 16) that his previous counsel's testimony was admissible to impeach a government witness. But the court of appeals found that petitioner forfeited that argument in district court and that he waived any argument that he could satisfy plain-error review in the court of appeals. Pet. App. A11-A12. Petitioner does not acknowledge that forfeiture determination or explain why that fact-bound forfeiture issue would warrant this Court's review.

c. Petitioner is incorrect that the decision below "contradicts other circuit law." Pet. 8 (capitalization omitted). The three decisions that petitioner cites (Pet. 11-13) are fully consistent with the decision below.

In United States v. Triggs, 963 F.3d 710 (2020), the Seventh Circuit permitted the defendant to withdraw his pre-Rehaif guilty plea to violating Section 922(g)(9) because there was a "reasonable probability that he would not have pleaded guilty had he known of the government's Rehaif burden." Id. at 717. The court noted

that the complexity of the federal definition of “misdemeanor crime of domestic violence” might have given the defendant a “plausible argument” at trial. Id. at 716. And the “messy nature of the proceedings” that led to the predicate conviction might have made it difficult for the government to prove the defendant’s knowledge. Ibid. For example, the state-court documents left unclear whether the defendant was ever informed of the elements of his predicate offense, so he might have argued that he did not know those elements. See ibid.

Triggs did not address an evidentiary issue like the one here. But its analysis, if anything, supports the decision below. Like the court below in this case, the Seventh Circuit underscored that the government does not have to prove that the defendant knew “it was a crime to possess a firearm as a result of [his] prohibited status.” Triggs, 963 F.3d at 714 (citation and emphasis omitted; brackets in original). Triggs, however, concerned a defendant’s potential unawareness of the elements of his predicate offense -- not unawareness of its classification under federal law. Id. at 716. And while petitioner notes (Pet. 11) that the evidence in this case likewise does not include state-court records proving that he was instructed on the elements of the predicate crime, such evidence was unnecessary when petitioner himself testified that he knew those elements. See Gov’t C.A. Suppl. App. 339.

The Tenth Circuit's decision in United States v. Benton, 988 F.3d 1231 (2021) -- which denied relief on plain-error review of a defendant's claim that Rehaif required the government to prove that he knew he was barred from possessing firearms, id. at 1239 -- is likewise inapposite. The defendant in Benton did "not dispute he had the requisite mental state in respect to the elements of the crime -- that is, he d[id] not dispute that he knowingly possessed a firearm and that he knew at the time of his possession he was a person convicted of a misdemeanor crime of domestic violence." Ibid. The Tenth Circuit explained that the defendant's claim "that he did not know his conduct was prohibited by law * * * flies in the face of the maxim" that "ignorance of the law is no defense" -- a "longstanding principle" that "nothing in Rehaif altered." Ibid.

The Eleventh Circuit's decision in United States v. Johnson, 981 F.3d 1171 (2020), cert. denied, 142 S. Ct. 567 (2021), likewise affirmed a defendant's conviction for violating Section 922(g)(9), notwithstanding a mens rea claim. In so doing, it recognized that "a person knows he is a domestic-violence misdemeanant, for Rehaif purposes, if he knows all the following: (1) that he was convicted of a misdemeanor crime, (2) that to be convicted of that crime, he must have engaged in at least the slightest offensive touching, and (3) that the victim of his misdemeanor crime was, as relevant here, his wife." Ibid. (internal quotation marks and citation

omitted). The government proved everything on that list, which does not include specific knowledge of how federal law classifies that offense. And petitioner's citation (Pet. 12) of the views of an individual judge, concurring in part and dissenting in part, does not provide evidence of a circuit conflict warranting this Court's review.

2. Petitioner next contends (Pet. 17-20) that Section 922(g)(9) violates the Second Amendment on its face and as applied to him. The court of appeals correctly rejected that contention, and its decision does not conflict with any decision of this Court or any other court of appeals. This Court has recently denied petitions for writs of certiorari raising similar questions and should do the same here. See, e.g., Bruner v. United States, 146 S. Ct. 339 (2025) (No. 25-5518); Nutter v. United States, 146 S. Ct. 270 (2025) (No. 25-5339); Bernard v. United States, 146 S. Ct. 254 (2025) (No. 25-5303).

a. A facial challenge to a federal statute is the "most difficult challenge to mount successfully, because it requires a defendant to 'establish that no set of circumstances exists under which the Act would be valid.'" United States v. Rahimi, 602 U.S. 680, 693 (2024) (citation omitted). If the challenged statute complies with the Constitution in even "some of its applications," the facial challenge fails. Ibid.

Section 922(g)(9) plainly has at least some valid applications. In Rahimi, this Court rejected a facial challenge to Section 922(g)(8), which prohibits possessing a firearm while subject to a domestic-violence restraining order. 602 U.S. at 690, 693. The Court explained that “[o]ur tradition of firearm regulation allows the Government to disarm individuals who present a credible threat to the physical safety of others.” Id. at 700. Because Rahimi’s restraining order included a finding that he represented “a credible threat to the physical safety” of his intimate partner, id. at 689 (citation omitted), the Second Amendment permitted his disarmament, id. at 690.

That same logic sustains Section 922(g)(9) in at least some applications. “[P]ast criminal domestic abuse” creates a “threat that the abuse will recur.” Pet. App. A7. Clearly at least some individuals -- for example, those who recently committed physical violence against intimate partners using a firearm -- pose a credible threat to the physical safety of those partners and may be lawfully disarmed. The courts of appeals have thus unanimously held that Section 922(g)(9) complies with the Second Amendment in at least some applications. See id. at A5-A8; United States v. Simmons, 150 F.4th 126, 131-134 (2d Cir. 2025); United States v. Nutter, 137 F.4th 224, 231-233 (4th Cir.), cert. denied, 146 S. Ct. 270 (2025); United States v. Gailes, 118 F.4th 822, 828-830 (6th Cir. 2024); United States v. Bernard, 136 F.4th 762, 764-766 (8th

Cir.), cert. denied, 146 S. Ct. 254 (2025); United States v. Martinez, 169 F.4th 1147, 1153-1157 (9th Cir. 2026); United States v. Jackson, 138 F.4th 1244, 1250, 1253-1254 (10th Cir. 2025). Given the absence of a circuit conflict, petitioner's facial challenge does not warrant further review.

b. Petitioner also contends (Pet. 19-20) that Section 922(g)(9) violates the Second Amendment as applied to him.

Petitioner, however, does not meaningfully dispute that he is the kind of individual "who threaten[s] physical harm to others from misusing firearms" and can thus be lawfully disarmed consistent with the Nation's historical tradition of firearm regulation. Rahimi, 602 U.S. at 690. Petitioner was convicted of repeatedly hitting his then-wife, slamming her into the floor, and chasing her through their home after she refused to have sex with him. See p. 2, supra. Petitioner has more recently been accused of serious sexual and physical violence against multiple women, including raping his girlfriend, beating her with a pistol and sledgehammer, choking her with a belt, and forcing her to work as a prostitute. See p. 3, supra. There should be no serious dispute that petitioner "present[s] a credible threat to the physical safety of others" and may therefore be disarmed. Rahimi, 602 U.S. at 700.

Rather than deny his actual dangerousness, petitioner emphasizes that he "has never been found by a court to present a

'clear threat of physical violence to another.'" Pet. 19 (emphasis added). But petitioner's assault conviction embodies a judicial finding that he "intentionally, knowingly or recklessly cause[d] bodily injury or offensive physical contact to another person." Me. Rev. Stat. Ann. tit. 17-A, § 207(1)(A) (2006). And there is no dispute that the victim of that offense was his then-wife. Pet. App. A6. That judicial finding of past physical violence against an intimate partner provides "a basis for disarmament due to the threat that the abuse will recur." Id. at A7.

Petitioner also emphasizes (Pet. 19) that he is not alleged to have possessed a firearm outside the home -- "a sacrosanct area for protection under the Second Amendment." But as this Court explained in Rahimi, there is no "categorical rule" against "regulations that forbid firearm possession in the home." 602 U.S. at 699. Domestic violence frequently occurs in the home, as it did when petitioner assaulted his wife and allegedly beat his girlfriend with a sledgehammer. Permitting convicted abusers like petitioner to possess guns in those intimate spaces would create the precise risk of deadly violence that Rahimi held that Congress may constitutionally target.

Finally, petitioner notes (Pet. 19) that his predicate conviction occurred in 2010. That was only seven years before the offense conduct here. Pet. App. A3. Regardless, if petitioner thinks that his "record and reputation" demonstrate that he is not

"likely to act in a manner dangerous to public safety," he may seek relief from the Attorney General from his firearm prohibition under 18 U.S.C. 925(c). See Br. in Opp. at 8-9, Landrum v. United States, No. 25-7530 (filed Sept. 14, 2026) (describing recent rulemakings revitalizing the Section 925(c) process). Petitioner is therefore incorrect (Pet. 17) to describe his firearm restriction as necessarily a "[l]ifetime [b]an."

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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