

No. 25-7656

In the

Supreme Court of the United States
October Term, 2025

WILLIE RICHARD MINOR,
Petitioner

vs.

UNITED STATES OF AMERICA,
Respondent

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

**PETITIONER’S REPLY TO GOVERNMENT’S OPPOSITION TO HIS PETITION
FOR A WRIT OF CERTIORARI**

INTRODUCTION

Pursuant to Supreme Court Rule 15, Willie Richard Minor (“petitioner” or “Mr. Minor”) respectfully submits this reply to the Government’s Opposition to his Petition for a Writ of Certiorari.

The Government’s opposition fails to recognize that the First Circuit’s decision below does in fact contradict other courts of appeal as well as this Court’s own precedent. The Government, as did the First Circuit, completely ignores Mr. Minor’s Sixth Amendment right to present evidence in his own defense - - namely that he lacked knowledge that he was had committed a “misdemeanor crime of domestic violence” that prohibited his possessing a firearm in his home.

The Government continues to claim that Mr. Minor’s argument is based on “ignorance of the law.” Not so. Mr. Minor’s argument is that he was wrongfully and unconstitutionally precluded from present evidence that he, in good faith, lacked knowledge that he had committed a misdemeanor crime of domestic violence. Mr. Minor’s lack of knowledge was premised on the fact that his plea was to a state court charge of simple assault (as amended from a domestic assault) and that his state court trial counsel specifically negotiated that disposition for Mr. Minor to retain his Second Amendment right to possess a firearm in his home.

Finally, the Government does not sufficiently distinguish this Court’s *Rahimi* opinion which found that a firearms bans was constitutional if based on a court determination of dangerousness to a specific person. The Court has not opined whether a misdemeanor crime of domestic violence prohibits firearms possession in one’s home for an unlimited duration.

ARGUMENT

A. Contrary To The Government's Argument, The First Circuit's Opinion Contravenes Both This Court's Precedent And Other Circuit Courts Of Appeal

The crux of the Government's argument appears to be nothing to see here.¹ Per the Government: the district court's precluding Mr. Minor from testifying about his good faith belief that he could possess a firearm and preventing his state court trial counsel from testifying regarding the same was simply an evidentiary matter and such evidence is irrelevant. But exculpatory evidence relating to Mr. Minor's state of mind in the circumstances supported a valid defense under the *Rehaif* framework set out by this Court.

This case perfectly illustrates the reason this Court in *Rehaif* articulated for requiring the Government prove that the defendant knew of the status that prohibited him from possessing a firearm:

Applying the word “knowingly” to the defendant’s status in [§922\(g\)](#) helps advance the purpose of scienter, for it **helps to separate wrongful from innocent acts**. Assuming compliance with ordinary licensing requirements, the possession of a gun can be entirely innocent. It is therefore the defendant’s *status*, and not his conduct alone, that makes the difference. 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”).

Rehaif v. United States, 588 U.S. 225, 232 (emphasis added) (internal citation omitted).

It is clear that lower courts have grappled with what “knowledge of status” entails. And contrary to the Government’s two other federal appellate courts stand in opposition to

¹ The Government also stresses in its recitation of facts certain facts listed in Mr. Minor’s presentence report, none of were raised by Mr. Minor in his appeal nor factored into the analysis by the First Circuit. Every point made in Mr. Minor’s petition is premised on the actual disqualifying Maine simple assault conviction as it alone served as the basis for his federal conviction.

the First Circuit 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 misdemeanor. 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.” In the absence of such a stipulation and in light of the Government’s burden to prove knowledge of status, Mr. Minor was entitled under the Sixth Amendment to present evidence going to his good faith lack of knowledge.

The Government’s brief fails to recognize that the First Circuit’s opinion stands in contrast with other circuit courts concerning the effects of an “innocent mistake” on the element of men’s rea. 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) (decided after this Court’s *en banc* opinion). 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 may 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 (“[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).

The Government’s brief also fails to acknowledge that presenting evidence of good faith reliance on counsel can negate the requisite mens rea. For example, in *United States v. Scully*, 877 F.3d 464, 475 (2017), the Second Circuit found that the district court abused its discretion when it prohibited the defendant from testifying about advice he received from counsel as such evidence was crucial to his mens rea. The court found that counsel did not even need to testify because the defendant’s testimony concerning the advice was not hearsay but went to his state of mind. The court went on to hold that the defendant Scully: “was fully competent to testify about his own state of mind, and about how [his lawyer]’s advice affected his state of mind. It was for the jury to determine whether that testimony was credible and raised a reasonable doubt about Scully’s guilt.” *Id.* at 475-76. Moreover, the Second Circuit approved a model instruction which included language: “You have heard evidence that the defendant received advice from a lawyer and you may consider that evidence in deciding whether the defendant acted willfully and with knowledge.” *Id.* at 477.

Contrary to the Government’s assertion of “nothing to see” here, this case importantly could resolve many issues federal courts have been grappling with concerning “knowledge

of status” post-*Rehaif* and could resolve conflicts among the circuit courts.

B. This Case Presents An Opportunity For This Court To Decide Post-*Rahimi* Whether A Domestic Violence Misdemeanant Can Be Stripped Of His Second Amendment Right To Possess A Firearm When No Court Has Determined That He Presents An Ongoing And Specific Danger

In *United States v. Rahimi*, 602 U.S. 680, 685-85 (2024), this Court examined whether 18 U.S.C. Section 922(g)(8) which “prohibits an individual subject to a domestic violence restraining order from possessing a firearm” was consistent with the Second Amendment.

After examining various historical analogs to disarming a person with a domestic violence restraining order, this Court, *id.* at 689 (emphasis added), determined:

Taken together, the surety and going armed laws confirm what common sense suggests: When an individual *poses a clear threat of physical violence to another*, the threatening individual may be disarmed. Section 922(g)(8) is by no means identical to these founding era regimes, but it does not need to be. See *Bruen*, 597 U. S., at 30, 142 S. Ct. 2111, 213 L. Ed. 2d 387, 1786 Va. Acts ch. 21. *Its prohibition on the possession of firearms by those found by a court to present a threat to others fits neatly within the tradition the surety and going armed laws represent.*

Unlike the statute upheld in *Rahimi*, the ban on firearm possession by one convicted of a misdemeanor crime of violence is not premised on a court finding of an ongoing threat. Nor is it limited in time as it is in the case of Section 922(g)(8) but rather can serve as a permanent ban for a misdemeanorant in a state like Maine where Mr. Minor lives. In Mr. Minor’s case, it extended seven years after his no contest plea to simple battery.

The Government is correct that no other circuit court has found differently than the First Circuit concerning the constitutionality of this statute. Post-*Rahimi*, courts have taken the position that a conviction for a domestic violence crime is sufficiently analogous to the statute examined in *Rahimi*. Yet the opinion on *Rahimi* did rely heavily on a judicial finding

on present and ongoing dangerousness and on the limited temporal scope of the disarmament. This case presents an opportunity for the Court to consider whether an old conviction for simple battery justifies the burden on such misdemeanant's Second Amendment rights.

CONCLUSION

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

WILLIE RICHARD MINOR

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