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April 12, 2013

Clerk
Ninth Circuit Court of Appeals
James R. Browning U.S. Courthouse
95 Seventh Street
San Francisco, CA 94103

Re: *Richards v. Prieto, et al.*
Ninth Circuit Case No.: 11-16255
FRAP Rule 28(j) & Circuit Rule 28-6 Supp. Authorities

Dear Clerk:

Appellees Ed Prieto and County of Yolo request the panel take notice of the following decision issued after filing of their brief, oral arguments, and previous Rule 28(j) letters:

On March 21, 2013, the Fourth Circuit reversed the trial court's decision in *Woollard v. Sheridan*, 863 F.Supp.2d 462 (D. Md. 2012), which Appellants cited in their March 8, 2012 Notice of Supplemental Authority. *See Woollard v. Gallagher*, 2013 U.S. App. LEXIS 5617 (4th Cir. March 21, 2013). As Appellants noted in their March 8 letter, the Maryland law at issue in *Woollard* is "virtually identical to that challenged here." Maryland's permitting scheme for the public carry of handguns includes many of the same exceptions as California law (i.e. allowing for the carrying of handguns at one's home and business, while engaging in target shooting and hunting, and transport between permitted places, but not California's imminent danger exception). Similar permissible uses under California's regulatory scheme were discussed by Appellees during oral arguments on December 6, 2012.

In overturning the decision of the trial court, the Fourth Circuit assumed, without deciding, Appellee Woollard's Second Amendment rights had been infringed. Nonetheless, the panel held Maryland's "good-and-substantial-reason" requirement survived intermediate scrutiny. *Id.* at 28-29. The Court found the State clearly demonstrated the "good-and-substantial-reason" requirement advanced State's objectives of public safety and crime prevention by: decreasing the availability of handguns to criminals via theft; lessening the likelihood confrontations between individuals would turn deadly; averting confusion and

To: Ninth Circuit Court of Appeals
Re: *Richards v. Prieto, et al.* Case No.: 11-16255
Page 2
April 12, 2013

potentially tragic consequences that can result from the presence of a third party with a handgun during a confrontation between a police officer and a criminal suspect; curtailing the presence of handguns during routine police-citizen encounters; reducing the number of handgun sightings that must be investigated; and facilitating the identification of persons carrying handguns who pose a menace. *Id.* at 37- 40. Accordingly, the panel in *Woollard* held Maryland’s “good and substantial-reason” requirement was reasonably adapted to achieve Maryland’s significant interests and thus constitutional under the Second Amendment.

Very truly yours,

ANGELO, KILDAY & KILDUFF, LLP

/s/ Serena M. Sanders

By: SERENA M. SANDERS

The body of this letter contains 329 words.

cc: All Counsel of Record (via CM/ECF)