

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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TOM G. PALMER, <i>et al.</i>))	
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Plaintiffs,))	
))	
v.))	Civil Action No. 09-01482 (FJS)
))	
DISTRICT OF COLUMBIA, <i>et al.</i> ,))	
))	
Defendants.))	
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DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants the District of Columbia and Chief Cathy Lanier (collectively “the District”), by and through undersigned counsel, respectfully submit this Notice of Supplemental Authority.

On Friday, March 30, 2012, the United States District Court for the Southern District of Illinois issued a decision in *Shepard v. Madigan*, ___ F.Supp.2d ___, 2012 WL 1077146 (S.D. Ill. Mar. 30, 2012) (copy attached), upholding against Second Amendment challenge Illinois statutes which prohibit the carrying of loaded and operable handguns in public.

In its decision, the court noted that intermediate scrutiny was appropriate to apply to analyze laws that impact the right to bear arms outside the home. *Id.* at *9 (citing *Ezell v. City of Chicago*, 651 F.3d 684, 703–704 (7th Cir. 2011)). The court found that Illinois had established a “substantial interest” under that test “in safeguarding the welfare of the public at large from the inherent dangers in a loaded firearm.” *Id.*

The court found persuasive and adopted the historical review of the scope of Second Amendment challenges to laws regulating firearms outside the home made by the court in *Moore v. Madigan*, 2012 WL 3447660, *5 (C.D. Ill. Feb. 3, 2012). *Shepard, supra* at n.7.

The court held that “the bearing of a firearm outside the home is not a core right protected by the Second Amendment.” *Id.* at *10. *See also id.* (“[T]his Court is persuaded that neither [*District of Columbia v. Heller*, 554 U.S. 570 (2008)] nor [*McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010)], requires the State of Illinois to extend the right to possess and carry a firearm to the area outside the home.”).

DATE: April 4, 2012

Respectfully submitted,

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/s/ Grace Graham

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