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**UNITED STATE COURT OF APPEALS
NINTH CIRCUIT**

GEORGE K. YOUNG JR., Plaintiff, vs. STATE OF HAWAII ET. AL.; Defendants. _____ _____))))))))	No. 12-17808 CASE No. 12-00336 HG BMK NOTICE OF SUPPLEMENTAL AUTHORITY
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Notice of Supplemental Authority

COMES NOW THE PLAINTIFF-APPELLANT, George K. Young Jr., submits this Notice of Supplemental Authority in furtherance of his claim that the HRS must be revised to allow some means to self-defense with a rifle and a shotgun outside the home. The right to bear an arm for self-defense directly implicates any item that is typically used with the arm. Rifle magazines and shotgun magazines are both classes of protected arms. *See Heller II*, 67 0F .3d

1244, 1261 (examining whether magazines over ten rounds fall within Second Amendment according to common usage.)

Rifle ammunition and shotgun ammunition are also two classes of protected arm because “the right to keep arms necessarily involves the right to . . . provide ammunition” for them. *Andrews v. State*, 50 *Tenn.* 165, 178 (1871); see also *Bateman v. Perdue*, No. 5:10-265, 2012 WL 3068580, at *4 (E.D. N.C. Mar. 29 , 20 12). The Second Amendment provides protections to ammunition that are “coextensive” with protections for firearms. *Herrington v. United States*, 6A.3d. 1237, 1243 (D.C. Cir. 2010). Self-defense can require magazines and ammunition to be carried or transported separate from firearms and each other.

A person might carry extra magazines for a friend wielding a rifle for self-defense. Ammunition might be transported in a vehicle in larger amounts without a magazine in case of emergency and put in a magazine at a later time. As carrying ready to load magazines vs. ammunition in a locked trunk has different societal costs, magazines and ammunition should be analyzed separately so that issues are not conflated. H.R.S. §134-27 deals with ammunition and prohibits transport from a residence to any number of self-defense situation locations, emergencies (as do the long arm transport laws as to rifle and shotguns) or simply keeping in the car for an emergency without any discernible government interest. Mr. Young would still be bound by the restrictions of the transport laws so this should have a

different standard than any carry provision. Mr. Young requests the judgment reflect ammunition and magazines are protected arms vital to self-defense with long arms.

Respectfully submitted this 3rd day of March, 2012

s/ Alan Beck
Alan Beck (HI Bar No. 9145)

CERTIFICATE OF SERVICE

On this, the 3rd day of March, 2013, I served the foregoing pleading by electronically filing it with the Court's CM/ECF system, which generated a Notice of Filing and effects service upon counsel for all parties in the case. I declare under penalty of perjury that the foregoing is true and correct.
Executed this the 3rd day of March, 2013

s/ Alan Beck
Alan Beck (HI Bar No. 9145)