

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

CALEB BARNETT, et al

*

Plaintiffs-Appellees

*

vs

*

Civil Nos: 23-1793, 23-1825,
23-1826, 23-1827, 23-1828

KWAME RAOUL, et al.,

*

Defendants-Appellants

*

Motion for Leave to File Amicus Brief

John Cutonilli files this motion for leave to file the accompanied Amicus Curiae Brief in Support of Plaintiffs-Appellees in accordance with Federal Rules of Appellate Procedures 29(a). The Herrera Plaintiff-Appellant and Harrel et al Plaintiffs-Appellees have granted permission to file an amicus brief in this case. None of the other parties has responded to a request for permission to file an amicus brief in this case.

Cutonilli is a resident of Maryland and is subject to the same laws in question in this case. As he is unable to bring suit against Maryland due to the precedent set in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017), he seeks to provide

additional insight into other aspects of the law that were neither addressed in Kolbe nor in the court's decision in this case. His intent is to help this court avoid previous errors so that other fellow Americans are not subject to such laws, which are detrimental to public safety. No counsel for any party authored this brief in whole or in part. Apart from amicus curiae, no person contributed money to fund this brief's preparation and submission.

This brief expands upon the Plaintiffs-appellants' discussion of why Bruen effectively overrules Friedman. It provides historical insight into how the key phrases, "dangerous and unusual" and "in common use," relate to societal biases that carry forward into this case. It provides examples of the commonly accepted uses of "assault weapons," a term defined in Illinois law and large capacity ammunition feeding devices or magazines ("LCMs"). It demonstrates through references to history and precedent, that the people themselves provide public safety. It provides insight into errors that invalidate the scrutiny process used in Friedman. It demonstrates that "weapons that are most useful in military service" is not a Second Amendment disqualifier. It demonstrates flaws under Illinois's theory of "arms". It provides clarification of some data about shots fired in self-defense. It also offers additional textual and history-based interpretation of the text of the Second Amendment.

Respectfully submitted,

/s/ John Cutonilli

John Cutonilli

P.O. Box 372

Garrett Park, MD 20896

(410) 675-9444

jcutonilli@gmail.com

23 June 2023

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, amicus John Cutonilli certifies that the amicus is not a publicly held corporation, that the amicus does not have a parent corporation, and that no publicly held corporation owns 10 percent or more of amicus's stock.

/s/John Cutonilli
John Cutonilli
P. O. Box 372
Garrett Park, MD 20896
jcutonilli@gmail.com

CERTIFICATE OF COMPLIANCE

1. This motion complies with type-volume limitation of Fed. R. App. P. 29(a)(5) because the amicus brief contains 340 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5), and the type style requirements of Fed. R. App. P. 32(a)(6), because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman type.

Dated: 23 June 2023

/s/ John Cutonilli

John Cutonilli
P.O. Box 372
Garrett Park, MD 20896
(410) 675-9444
jcutonilli@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on 23 June 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ John Cutonilli

John Cutonilli
P.O. Box 372
Garrett Park, MD 20896
(410) 675-9444
jcutonilli@gmail.com