

**JOHN R. MONROE
ATTORNEY AT LAW**

March 30, 2012

Mr. John Ley
Office of the Clerk of the U.S. Court of Appeals
56 Forsyth St., NW
Atlanta, GA 30303

**RE: GeorgiaCarry.Org, Inc., et.al. v. State of Georgia, et.al.
11-10387-GG**

Dear Mr. Ley:

Pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure, I am writing to advise the Court of pertinent and significant authorities that have been issued recently.

Appellants have argued that the Second Amendment guarantees a right to keep and bear arms outside the home. Reply Brief of Appellants, p. 21. Appellant also has urged the Court to apply a strict scrutiny standard of review to Appellant's Second Amendment claim. These positions have been ratified by a recent district court opinion.

In *Bateman v. Perdue*, Case No. 5:10-CV-265-H, Order on cross motions for summary judgment (E.D. N.Car., March 29, 2012), the court said, "Although considerable uncertainty exists regarding the scope of the Second Amendment right to keep and bear arms, it undoubtedly is not limited to the confines of the home." Slip Opinion, p. 9.

Applying the reasoning in *United States v. Masciandaro*, 638 F.3d 458 (4th Cir. 2011) and *United States v. Chester*, 628 F.3d 673 (4th Cir. 2010), the court also ruled that laws that burden the Second Amendment rights of law-abiding citizens are subject to strict scrutiny, with the government bearing the burden of rebutting the presumption that the law is invalid. Slip Opinion, pp. 14-15.

In the instant case, the government restricts the rights of Appellants to bear arms outside the home, in places that are not "sensitive." The law therefore burdens the Second Amendment right. The Appellants are law-abiding citizens, so the statute is subject to strict scrutiny. Because the government has failed to rebut the presumption of invalidity, the law must be ruled unconstitutional.

March 30, 2012

Sincerely,

John R. Monroe

CC: Laura Lones, Esq.
40 Capitol Sq SW
Atlanta, GA 30334-1300

J. Edward Trice, Jr., Esq.
PO Box 832
Thomaston, GA 30286-0011