

No. 2017-001

IN THE
**Supreme Court
of the
United States**

Laurence Lewis and the National Firearms Rights Group,
Petitioner,

v.

State of Oklahoma,
Respondent .

ON WRIT OF CERTIORARI TO THE OKLAHOMA STATE
SUPREME COURT

MOOT CASE 1 PACKET



ISSUES

- 1. Whether the law enforcement official's decision to disband a permitted demonstration violated the right to assembly protected under the First Amendment.**
- 2. Whether the search on Laurence Lewis's vehicle was a violation of his Fourth Amendment protection from unreasonable search and seizure.**

STATEMENT OF FACTS

Given heightened concerns over gun safety sweeping the nation in the wake of several high profile incidents, the legislature of Oklahoma recently passed a law repealing open-carry gun policies currently in place throughout the state. The law will go into effect June 1st, 2017. In response, on August 1st, 2016, protesters gathered to object the passing of the law. The organizers, the National Firearms Rights Group, successfully garnered a permit, from the proper government authorities, granting a three-day demonstration in front of the state capital building. Many of the people involved planned to openly carry firearms, an action covered by the permit. All weapons were required to be empty, however, this was not strictly enforced. The demonstration was also closely monitored and recorded from surrounding buildings by local law enforcement.

During the first day of the protest, officials monitoring the crowd noted that the assemblers were restless. Outside beverages were allowed into the vicinity; as a result, alcohol was present. A policeman noticed one particularly loud individual who possessed an AR-15 and approached him, asking for identification.

The man, out of displeasure, proceeded to yell inflammatory statements into the crowd, such as "Look at this guy trying to control our right to be here and protect our gun rights!" The man's intentions were unclear, but he may have been hoping to provoke a large-scale reaction from the assembly. The crowd, in response, began shaking and pointing their firearms to the sky while chanting "We want to shoot. We want to shoot." The law enforcement officials warned the rally organizers; however, the protesters paid little heed. Wary of further escalation, the police force ended the rally and any further demonstration.

While the participants were leaving, however, an officer recognized a recently released convict, Laurence Lewis, sitting in the bed of a truck that was co-owned by him and a friend, Brad Barton. Lewis and his associates had parked alongside the site of the disbanded protest. Some still had weapons that were used as part of the demonstration in their hands.

Under federal law, it is illegal for anyone who has been convicted of a felony to be in possession of any firearm or ammunition. Lewis has four prior felony convictions for

robbery, two prior felony convictions for armed criminal action, a prior felony conviction for tampering and a prior felony conviction for attempted burglary. The officer had been aware of these convictions.

The officer asked Lewis if he had ownership over any firearms, which he may have used during the demonstration, knowing that Lewis was not allowed to possess them due to his status as a felon. One of Lewis's friends suggested that he remain silent. Lewis, choosing to follow his friend's advice, did not reply to the officer.

The officer then proceeded to ask if he could look inside of the truck that the group was standing around. Lewis continued following his friend's advice and did not answer. The officer persisted until Brad Barton, the man who co-owned the vehicle with Lewis, decided that he did not want to trouble the officer and actually gave the officer the permission to inspect the truck. The inspection yielded firearms that were found to be Lewis's.

Following the disbanding of the demonstration, the rally organizers brought a suit in court claiming that the officers were not justified in ending the rally and had thus violated the

First Amendment right to assemble. The organizers argued that the crowd had not been violent in its talk but was simply demonstrating the right to bear arms and to speak freely, as allowed by the permit. Further, the organizers alleged that, given a few minutes, the rowdy individual would have been removed. The state argued that its law enforcement officers had acted in the best interests of public safety to prevent the potential violence which was being incited by the loud individual in the crowd. The court ruled in favor of the state, denying that a violation of the right to assembly had been present.

During trial, Laurence Lewis argued that he had not given the officer permission to search the vehicle for weapons, and that the officer did not have enough basis to have proceeded with such a search. Further, Lewis alleged that the officer had coerced Brad Barton into allowing the search because Barton feared negative police attention. The state alleged that the Brad Barton granted all permission necessary to conduct a search and that no coercion had been present. The court, however, ruled in favor of the state on all premises and convicted and sentenced Lewis.

Both the rally organizers and Lewis appealed their decision to the Oklahoma State Court of Criminal Appeals and the Oklahoma Supreme Court, where the ruling of the lower courts were upheld. Finally, both the organizers and Lewis appealed to the Supreme Court of the United States, which granted certiorari. Due to the interrelated nature of the two cases, they were combined for arguments to the Supreme Court of the United States.

APPENDIX

First Amendment of the United States Constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Fourth Amendment of the United States Constitution:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

18 U.S.C. Section 922 (g):

(g) It shall be unlawful for any person - (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; (2) who is a fugitive from justice; (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); (4) who has been adjudicated as a mental defective or who has been committed to a mental institution; (5) who, being an alien - (A) is illegally or unlawfully in the United States; or (B)

except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))); (6) who has been discharged from the Armed Forces under dishonorable conditions; (7) who, having been a citizen of the United States, has renounced his citizenship; (8) who is subject to a court order that - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or (9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which

has been shipped or transported in interstate or foreign commerce.

CASE MATERIAL PERMITTED

ONLY THE CASES LISTED BELOW MAY BE CITED WITHIN YOUR ORAL ARGUMENT.

PLEASE REFER TO THE "ATTORNEY RULE GUIDE" FOR ANY PROCESS QUESTIONS.

- ❖ 415 U.S. 164 (1974) – Matlock v. United States
- ❖ 547 U.S. 103 (2006) – Georgia v. Randolph
- ❖ 367 U.S. 643 (1961) – Mapp v. Ohio
- ❖ 497 U.S. 177 (1990) – Illinois v. Rodriguez
- ❖ 412 U.S. 118 (1973) – Schneckloth v. Bustamonte
- ❖ 255 U.S. 313 (1921) – Amos v. United States
- ❖ 394 U.S. 731 (1969) – Frazier v. Cupp
- ❖ 403 U.S. 443 (1971) – Coolidge v. New Hampshire
- ❖ 372 U.S. 229 (1963) – Edwards v. South Carolina
- ❖ 394 U.S. 111 (1969) – Gregory v. Chicago
- ❖ 299 U.S. 353 (1937) – De Jonge v. Oregon
- ❖ 379 U.S. 536 (1965) – Cox v. Louisiana
- ❖ 432 U.S. 43 (1977) – National Socialist Party of America v. Village of Skokie
- ❖ 340 US 315 (1951) – Feiner v. New York
- ❖ 315 U.S. 568 (1942) – Chaplinsky v. New Hampshire