

Constitutional Law: Arizona Gun Rights

Presented by: Attorney Howard Dworman



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Experienced. Trusted. Respected.

- ❖ Well-known, pro-gun rights law firm
- ❖ Over 20 years aggressively and successfully defending countless gun-related felony offenses in state and federal courts
- ❖ Frequent lecturer's on the legal aspects of gun related issues
- ❖ Recommended by many pro-gun rights organizations
- ❖ Well-known and well-respected reputation throughout the state of Arizona

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The Right Criminal Defense Gun Crimes Attorney Will:

- ❖ Think “outside the box” to utilize all available theories of defense available under Arizona law
- ❖ Work aggressively at the initial appearance stage of proceedings to secure a release from incarceration
- ❖ Listen carefully to the client to understand the client’s point of view, wants, needs and goals
- ❖ Obtain and carefully review all available discovery
- ❖ Employ and utilize the best and most qualified experts to help defend the case
- ❖ Deconstruct the prosecutor’s case point by point
- ❖ Draft and argue all motions aggressively
- ❖ Present the case and the client in the best possible light
- ❖ Effectively deal with the press if necessary
- ❖ Negotiate with the prosecutor and all supervisors to obtain the best possible plea offer
- ❖ Carefully discuss the plea and advantages and disadvantages of trial with the client
- ❖ Render well- reasoned and straight forward legal advice without legalese
- ❖ Take the case to trial if necessary

Guns



The Second Amendment vs. Difference in Opinion

❖ The Second Amendment provides:

“A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed”

❖ Difference in Opinion

➤ *The right of the people to keep and bear arms:*

- Militia
- Cops
- Everyone

Guns



Originalism v. Non- Originalism

Two legal schools of thought:

- ❖ **Originalism**, interpret the Constitution as fixed as of the time it was enacted.
- ❖ **Non- Originalism**, interpret the Constitution as evolving with changes in society and culture.

Guns



Case example # 1: DC v. Heller

Facts:

- ❖ Dick Heller was a special police officer and applied for a registration to keep a handgun at home. DC denied the request. Heller filed suit in Federal District Court, seeking to enjoin DC from enforcing the bar on handgun registration.

Issue:

- ❖ Does DC's prohibition of usable handguns in the home violate the 2nd amendment?

Holding:

- ❖ A complete ban violates the 2nd amendment. The right to bear arms is not absolute, some restrictions may be placed and that "the right was not a right to keep and carry any weapon, whatsoever, in any manner, whatsoever, and for whatever purpose. Meaning, regulations can exist, and do, but they must be narrowly tailored. For example: convicted felons and the mentally ill

Guns



Case example #2: McDonald v. City of Chicago

Facts:

- ❖ Following *Heller*, several lawsuits were filed against the cities of Chicago and Oak Park, challenging their gun bans claiming the 2nd amendment also applies to the states.

Issue:

- ❖ Whether the 2nd amendment applies to the states?

Holding:

- ❖ **Yes!** Through the 14th amendment, the 2nd amendment is incorporated to the states. The 2nd amendment is recognized as a fundamental right, therefore, the 2nd amendment applies to the states.

Guns



Constitutional Rights

All rights are limited. No right is absolute, including the Second Amendment:

- ❖ **Go to Prison**
 - Lose Your Gun Rights
- ❖ **Non-competent person**
 - Lose Your Gun Rights
- ❖ **Criminal felony conviction/misdemeanor DV conviction**
 - Lose Your Gun Rights

“ There are countless people who regularly carry firearms safely and responsibly. Most of them will never have any problems at all relating to those firearms. Carrying a firearm ought to be boring.

You should be comfortable with the fact that you will never likely have to pull it out. Like flood insurance, we hope to never need it. However, it is important to have in the even you actually need to use it. If you are carrying a firearm because you want some action, or you are constantly look for reasons to pull it out, I suspect you will need my services someday...there are few ways to ruin the rest of your life more quickly than by misusing a firearm. I have seen it time and time again. I hope you will learn from the mistakes of others currently sitting in prison serving long sentences. Don't be an idiot with a gun!”

Attorney Marc J. Victor



ATTORNEYS FOR
FREEDOM
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Criminal Defense
DUI
Personal Injury
Wrongful Death
Civil Litigation
Civil Rights

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