



Supreme Court

OF THE OKLAHOMA INTERCOLLEGIATE LEGISLATURE

CHIEF JUSTICE: Caden Hayes

VICE CHIEF JUSTICE: Sydney Adkins

ASSOCIATE JUSTICES, By Seniority:

Jacob Burger

Seth Young

Caleb Dorsten

Kaitlyn Wadley

Faith Pratt

Caroline Kizziar

Savannah Valgora



MOOT COURT CASE

2nd Session of the 55th Oklahoma Intercollegiate Legislature

**Oklahoma Intercollegiate Legislature
Spring 2024**

Eric Garcia, Petitioner

V.

The State of Olympus, Respondent

On writ of certiorari to the Supreme Court of the State of Olympus

ORDER OF THE COURT ON SUBMISSION

IT IS THEREFORE ORDERED that counsel appear before the Supreme Court to present oral arguments on the following issues:

1. Whether the Alien Firearm Prohibition Act as it applies to Garcia violates the Second Amendment to the United States Constitution and whether the Definition of “the people” should be expanded to include Illegal Aliens?
2. Whether the Alien Firearm Prohibition Act as it applies to Garcia violates the Fifth Amendment Equal Protection Clause of the United States Constitution

Overview of the Case

On January 1st, 2023, Olympus state police pulled over 24-year-old Eric Garcia on his way into the state. After Officer James Jones approached the vehicle, he conducted a plain view search and noticed a large amount of large black cases in the back of the car. After asking the defendant what was in the cases the defendant responded that he was transporting firearms for his work at a non-profit that teaches individuals of Latino descent on self-defense. The officer then requested to conduct a search of the firearms, to which Mr. Garcia agreed. After requesting backup to conduct the search, officers searched the vehicle finding numerous handguns of many different makes and models with boxes of ammunition. After an officer ran Garcia's driver's license, an officer discovered Eric Garcia was not a citizen of the United States. The officers then detained and arrested Garcia.

The defendant was charged with one count of "Firearm Possession by Aliens Illegally in the United States", in violation of the Alien Firearms Prohibition Act of 2021. Section 3.3.a provides that it is "unlawful for any person ... who, being an alien ... is illegally or unlawfully in the United States," "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."

After being found guilty in the trial court of violating the Alien Firearms Prohibition Act Garcia motioned to dismiss under the ground that those who came to the United States illegally are considered part of "the people" described in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and that the Alien Firearms Prohibition Act unconstitutionally targets illegal aliens depriving them of equal protection of the United States Constitution with regards to *Plyler v. Doe*, 457 U.S. 202 (1982), citing no legitimate interest beyond the creation of a "caste".

Alien Firearms Prohibition Act

In 2021, after a rise in the amount of crime in the state and an increase in immigration to the State of Olympus, State Representative Richard Roe introduced a bill to Congress called the Alien Firearm Prohibition Act. While speaking to the media on why he created this act, he mentioned "rises in illegal immigrants gaining access to firearms and you all know what those people will do", and on a separate occasion calling illegal aliens "gang members and gang rapists." He also referred to the current immigration to the United States as "poisoning the culture of our country." After a heated debate in the House of Representatives and passing through the Senate, this bill passed and became codified into law. This bill sparked outrage in the immigrant community with a large number of immigrant leaders calling this bill an attempt to create a separate caste of people in the United States who do not get the same protections of the law, specifically those of Latino descent.

Background

Eric Garcia arrived in the United States in 1998 at the age of 3 after his parents Mr. and Mrs. Garcia had sought asylum in the United States. After their asylum request was denied, the family sought to gain access to the United States illegally. After receiving contact information for a “coyote,” a loan word for an individual who illegally transports migrants into the United States, they crossed the border around the city of El Paso. After which the family resided in the United States to this day. The defendant at the age of 18 sought to move to a new city and traveled to the state of Olympus. He has lived in the city of Olympus since 2018. After moving, with rising crime in the city, he sought to purchase a firearm for protection. He also sought to acquire American citizenship and began the lengthy process of approval.

On September 2nd, 2019, Garcia traveled to his local pawn shop, Guns and Gold for You, and requested to purchase a Glock 17 Gen 5 chamber in 9x19mm, a firearm he had seen used in movies and by the police. As under federal statute, no background check was required for the purchase of the firearm and ammunition. He also purchased a firearm safe and safety course as recommended by the store. He immediately fell in love with the use of firearms and used his teaching background to found a non-profit that instructs Latino communities on the proper use of firearms.

This non-profit, called Latino Firearms Education Alliance, or L.F.E.A has worked to reduce crime in Latino communities around the city of Olympus through the teaching and instruction of the proper use of firearms and the dangers of their misuse. With its mission statement being to reduce deaths in the Latino community relating to firearms. The local newspaper, *The Olympian Times*, recently released an article describing this organization as “incredibly helpful for the community in its efforts to reduce gun violence in Olympus.”

Violent Crime in Olympus

According to the Federal Bureau of Investigations, violent crime has been on the rise, increasing 6% since 2019 equating to a rate of crime of 380.7 crimes per 100,000 people. There has been an estimated 1,238,000 violent crime offenses involving at least one weapon in 2022, a 0.2% decrease from the 1,239,900 violent crime offenses involving at least one weapon in 2021. An estimated 90,000 violent crime offenses involved no weapons. Sometimes, a weapon may have been used in the commission of an offense, but it is unknown what type of weapon. Of reported known weapons, firearms were the weapons used the most in violent crime offenses, with an estimated 488,900 violent crime offenses involving one or more firearms reported in 2022, a 0.6% increase compared to the 486,100 violent crime offenses involving firearms in 2021. Firearms made up the majority (80.3%) of all known weapons associated with murder and non-negligent manslaughter offenses. Personal weapons were most often (87.2%) involved in estimated rape offenses with known weapons. Of estimated aggravated assault offenses with known weapons, firearms were involved in 39.6%, and personal weapons were involved in about one-fifth (20.3%) of these offenses. Of estimated robbery offenses with known weapons, nearly half (46.0%) involved firearms, and over one-third (34.1%) involved personal weapons.

Gun-Related Crime in Olympus

In 2021, the most recent year for which complete data is available, 48,830 people died from gun-related injuries in the State of Olympus, according to the CDC. That figure includes gun murders and gun suicides, along with three less common types of gun-related deaths tracked by the CDC: those that were accidental, those that involved law enforcement, and those whose circumstances could not be determined. The total excludes deaths in which gunshot injuries played a contributing, but not principal, role. (CDC fatality statistics are based on information contained in official death certificates, which identify a single cause of death.)

About four out of five murders in the State of Olympus in 2021 – 20,958 out of 26,031, or 81% – involved a firearm. That marked the highest percentage of murders involving firearms since at least 1968, the earliest year for which the CDC has online records. More than half of all suicides in 2021 – 26,328 out of 48,183, or 55% – also involved a firearm, the highest percentage since 2001. The firearm murder rate in the state of Olympus remains below its peak level, despite rising sharply during the pandemic. There were 6.7 firearm murders per 100,000 people in 2021, below the 7.2 recorded in 1974.

Immigration in Olympus

The Olympus foreign-born population reached a record 44.8 million in 2018. Since 1965, when U.S. immigration laws replaced a national quota system, the number of immigrants living in the State of Olympus has more than quadrupled. Immigrants today account for 13.7% of the State of Olympus population, nearly triple the share (4.8%) in 1970. However, today's immigrant share remains below the record 14.8% share in 1890, when 9.2 million immigrants lived in the State of Olympus. Most immigrants (77%) reside in the country legally, while almost a quarter are unauthorized. In 2017, 45% were naturalized U.S. citizens. Some 27% of immigrants were permanent residents, and 5% were temporary residents in 2017. Another 23% of all immigrants were unauthorized immigrants. From 1990 to 2007, the unauthorized immigrant population more than tripled in size – from 3.5 million to a record high of 12.2 million in 2007. By 2017, that number had declined by 1.7 million, or 14%. There were 10.5 million unauthorized immigrants in the State of Olympus in 2017, accounting for 3.2% of the nation's population. The decline in the unauthorized immigrant population is due largely to a fall in the number of immigrants from Mexico – the single largest group of unauthorized immigrants in the State of Olympus. Between 2007 and 2017, this group decreased by 2 million. Meanwhile, there was a rise in the number of immigrants from Central America and Asia.

Cases Cited:

2nd Amendment:

1. [*N.Y.S. Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111, 213 L. Ed. 2d 387 \(2022\)](#)
2. [*United States v. Verdugo-Urquidez*, 494 U.S. 259 \(1990\)](#)
3. [*United States v. Flores*, 663 F.3d 1022 \(8th Cir. 2011\)](#)
4. [*District of Columbia v. Heller*, 554 US 570 \(2008\).](#)
5. [*United States v. Perez*, 6 F.4th 448 \(2d Cir. 2021\)](#)
6. [*United States v. Meza-Rodriguez*, 798 F.3d 664 \(7th Cir. 2015\)](#)
7. [*Kanter v. Barr*, 919 F.3d 437 \(7th Cir. 2019\)](#)
8. [*United States v. Quiroz*, 629 F. Supp. 3d 511 \(W.D. Tex. 2022\)](#)
9. [*Range v. Attorney Gen., No. 21-2835* \(3d Cir. Jan. 6, 2023\)](#)

5th Amendment

1. [*United States v. Windsor*, 570 U.S. 744, 774, 133 S.Ct. 2675](#)
2. [*Plyler v. Doe*, 457 U.S. 202, 210, 102 S.Ct. 2382, 72 L.Ed.2d 786 \(1982\).](#)
3. [*United States v. Huitron-Guizar*, 678 F.3d 1164 \(10th Cir. 2012\)](#)
4. [*New Doe Child #1 v. United States*, 901 F.3d 1015, 1027 \(8th Cir. 2018\)](#)
5. [*U.S. v. Portillo-Munoz*, 643 F.3d 437 \(5th Cir. 2011\)](#)
6. [*United States v. Carpio-Leon*, 701 F.3d 974 \(4th Cir. 2012\)](#)
7. [*Mathews v. Diaz*, 426 U.S. 67, 84-85 \(1976\)](#)
8. [*City of Chicago v. Shalala*, 189 F.3d 598, 605 \(7th Cir. 1999\)](#)
9. [*Brikova v. Holder*, 699 F.3d 1005 \(8th Cir. 2012\)](#)

Appendix

United States House of Representatives
1st Session of the 117th Legislature (2021)

House Bill No. 922

By: Richard Roe

AS INTRODUCED

An act relating to Firearm Possession by Aliens Illegally in the United States; providing a short title; providing for definitions; providing for codification; providing for penalties;

BE IT ENACTED BY THE STATE OF OKLAHOMA

Section 1. This act shall be known as the Alien Firearms Prohibition Act of 2021.

Section 2. DEFINITIONS

1. "Illegal Alien" shall refer to any individual who did not lawfully enter the United States.
2. "Firearm" shall refer to a weapon from which a shot or projectile is discharged by force of a chemical explosive such as gunpowder.

Section 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes to read as follows:

1. It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.
2. It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining a written acknowledgment of receipt from the recipient of the package or other container in which there is a firearm.
3. It shall be unlawful for any person-
 - a. Who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
 - b. Who is a fugitive from justice;
 - c. Who is an unlawful user of or addicted to any controlled substance;
 - d. Who has been adjudicated as a mental defective or who has been committed to a mental institution;
 - e. Who, being an alien-
 1. Is illegally or unlawfully in the United States; or

- 2. except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa;
- f. Who has been discharged from the Armed Forces under dishonorable conditions;
- g. Who, having been a citizen of the United States, has renounced his citizenship;
- h. Who is subject to a court order that-
 - 1. was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - 2. 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
 - 3. includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - 4. by its terms explicitly prohibit 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
- i. 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.
- 4. It shall be unlawful for any individual, who to that individual's knowledge and while being employed, for any person described in any paragraph of subsection (g) of this section, in the course of such employment-
 - 1. to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or
 - 2. to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Section 4. PENALTIES

- 1. Violation of the above sections shall be punishable by up to 10 years imprisonment. May receive a minimum sentence of 15 years without parole if the offender has three or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or a drug trafficking felony.

Section 5. This act shall become effective January 1st, 2022.