

1 FOR PUBLICATION

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**IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

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**COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS,**

) **CRIM. CASE NO. 13-0035**

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Plaintiff,

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) **ORDER DIRECTING SUPPLEMENTAL**

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v.

)

) **BRIEFING AND INVITING BRIEFS OF**

)

) **AMICI CURIAE**

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SERGIO M. RANGAMAR,

)

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Defendant.

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On September 4, 2013, at 9:00 a.m., this Court will hear a motion concerning the

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constitutionality of the Commonwealth’s Weapons Control Act, specifically, whether this statute

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violates the Second Amendment of the U.S. Constitution by imposing criminal liability on a person

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for possessing a handgun and ammunition. **How this issue is resolve has the potential of**

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legalizing hand-guns in the CNMI.

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On June 26, 2013 Defendant Sergio M. Rangamar filed a motion for this Court to dismiss

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two counts from the Information filed February 11, 2013. Defendant argues that two counts must

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be dismissed because 6 CMC §§ 2202, 2204(b) and 2230(b) “along with other portions of the

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Commonwealth Weapons Control Act (66 TTC §551, *et seq.* as amended)” do not comply with the

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Second Amendment of the United States Constitution. The counts at issue are Count III, Illegal

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Possession of a Firearm in violation of 6 CMC §§ 2202 and 2204(a), made punishable by 6 CMC §

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2230(b); and Count IV, Illegal Possession of Ammunition in violation of 6 CMC §§ 2202 and

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2204(a), made punishable by 6 CMC § 2230(b). The Commonwealth filed an opposition to

1 Defendant's motion on July 10, 2013 arguing that Defendant does not have standing to challenge
2 the constitutionality of the statute underlying the charges in the Information. Defendant filed a reply
3 to the Commonwealth's opposition on July 15, 2013 arguing that the Commonwealth did not
4 provide adequate legal support and authority for its standing argument.

5 **As this issue's potential impact goes beyond this particular defendant's case, the Court**
6 **desires a robust record in order to consider this motion to dismiss, the Court directs both the**
7 **Defendant and Commonwealth to file supplemental briefing.**

8 The Court orders the Defendant, in his supplemental briefing, to:

- 9 (1) Specify the portion or portions of Article 1 of the Commonwealth Weapons
10 Control Act (6 CMC §§ 2201-2230) that violate Defendant's rights under the
11 Second Amendment of the Constitution of the United States;
- 12 (2) If in existence, direct the Court to applicable case law post *McDonald v. City of*
13 *Chicago*, 130 S. Ct. 3020 (2010) involving challenges by criminal defendants to
14 state weapons control statutes; and
- 15 (3) Address whether 6 CMC § 2204(f)(4) and (5) comport with the requirements of
16 the Second Amendment of the Constitution of the United States, and if so,
17 whether a person barred from obtaining an identification card by those
18 subsections still has standing to challenge the constitutionality of other portions
19 of the Commonwealth Weapons Control Act.

20 The Court orders the Commonwealth, in its supplemental briefing, to:

- 21 (1) If in existence, direct the Court to applicable case law post *McDonald v. City of*
22 *Chicago*, 130 S. Ct. 3020 (2010) addressing a criminal defendant's standing to
23 challenge the constitutionality of a state weapons control statute; and
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1 (2) Submit arguments and supporting legal authority concerning the constitutionality
2 of 6 CMC §§ 2201-2230 (Article 1 of the Weapons Control Act).

3 **The Court directs both parties to review the Commonwealth’s “Application for**
4 **Weapons Identification Card” (available to download from www.dps.gov.mp) and address**
5 **whether that application has any bearing on the constitutionality of 6 CMC § 2204(a) or**
6 **Defendant’s standing to challenge it.** The Court directs the parties to submit any additional
7 information, arguments and supporting legal authority that the parties believe would be helpful to
8 the Court in deciding this matter.

9 In addition to the supplemental briefings by the parties, **the Court invites the submission**
10 **of briefs of amici curiae.** Any amicus curiae may submit a motion to file a brief describing the
11 movant’s interest and the reason the brief is desirable and why the matters briefed are relevant to
12 this case. The deadline for a motion for leave to submit a brief of amicus curiae is August 7, 2013.
13 The deadline for all briefs, including the parties’ supplemental briefs and any briefs of amici curiae
14 is August 28, 2013.

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16 **IT IS SO ORDERED** this 23rd day of July, 2013.

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Joseph N. Camacho, Associate Judge