LAW OFFICES

J. SCOTT WATSON, P.C.

24 Regency Plaza Glen Mills, Pennsylvania 19342 (610) 358-9600 Fax: (610) 358-9601

J. Scott Watson, Esquire Gregory J. Allard, Esquire Ryan S. Watson, Esquire* *Admitted to PA & NJ

December 14, 2016

Honorable Judge Douglas A. Arpert Clarkson S. Fisher Building & U.S. Courthouse 402 East Street Street Room 2020 Trenton, NJ 08608

Re: New Jersey Second Amendment Society, et al. v. Christopher S. Porrino, et al. Case No. 16-4906-MAS-DEA

Dear Judge Arpert:

I write to request that this Honorable Court allow Plaintiffs' Motion for Judgment on the Pleadings to be heard. In an Order dated December 6, 2016, the Court stayed (and administratively terminated) Plaintiffs' Motion pending a discovery conference on January 24, 2016. On that same day, nearly one month after New Jersey's Attorney General conceded that the stun gun ban was unconstitutional, a woman was arrested for possession of a stun gun "in violation of N.J.S. 2C:29-3H." A copy of the Complaint is attached for the Court's convenience.

Without a ruling from this Court that the statute is unconstitutional, citizens are continually subjected to prosecution for disobeying a conceitedly unconstitutional law. Now that the holidays are upon us, it should be expected that citizens will travel either from New Jersey or through New Jersey with stun guns, knowing that the Attorney General conceded the stun gun ban is unconstitutional. However, it is clear from the attached Complaint that the prosecutors still enforce the ban. This enforcement infringes upon the clear language in *Heller* and *Caetano*. A delay in ruling the statute unconstitutional serves no purpose, as "... the Government does not have an interest in the enforcement of an unconstitutional law, and the public interest is not served by the enforcement of an unconstitutional law." *Am. Exp. Travel Related Services Co., Inc. v. Sidamon-Eristoff,* 755 F. Supp. 2d 556, 614–15 (D.N.J. 2010), *order clarified* (Jan. 14, 2011), *aff'd sub nom. Am. Exp. Travel Related Services, Inc. v. Sidamon-Eristoff,* 669 F.3d 359 (3d Cir. 2012), and *aff'd sub nom. New Jersey Retail Merchants Ass'n v. Sidamon-Eristoff,* 669 F.3d 374 (3d Cir. 2012).

As our courts are the primary guardians of constitutional rights¹, I request that the Court allow briefing, if necessary, to continue for the Plaintiffs' Motion for Judgment on the Pleadings. With that said, we are still not opposed to an in-person conference on January 24, 2016, however,

¹ See Steffel v. Thompson, 415 U.S. 452, 463 (1974).

Case 3:16-cv-04906-MAS-DEA Document 25 Filed 12/14/16 Page 2 of 2 PageID: 176

time is of the essence with prosecutors continuing to enforce this unconstitutional infringement on citizens' rights.

Sincerely,

Isl Ryan S. Watson Ryan S. Watson

cc: All counsel of record via ECF

COMPLAINT - SUMMONS			
COMPLAINT NUMBER		THE STAT	E OF NEW JERSEY
1614 S 2016	Control of the Manual Control of the		VS.
WAYNE TWP MUNICIPAL COU	RT AL	KATH DDRESS	RYN L MAGALA
475 VALLEY ROAD WAYNE NJ	07470-0000		
973-694-1800 COUNTY OF: P.Z. # of CHARGES CO-DEFTS POLICE CA	SE#: DE	FENDANI INFORMATION	
COMPLAINANT	DF	EX: RIVE	
NAME: STEVEN PAPILE		DCIA ELEF	
WEAPON IN HER POSSESSION A CRIME OF THE FOURTH DE	6 in WA OF THIS COURT, C , TO WIT, ONE ST GREE.	YNE TWP COMMIT THE OFFENS FUN GUN, IN VIOLE	, PASSAIC County, NJ did: SE OF HAVING A PROHIBITED ATION OF N.J.S. 2C:29-3H,
PROABLE CAUSE: WEAPON FO	UND ON HER PERSO	ON DURING COURT S	SCREENING
		·	
in violation of:			
Original Charge 1) 2C:39	-3H	2)	3)
Amended Charge			
CERTIFICATION:			
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.			
Signed:	STEVEN PAPILI		Date: 12/06/2016
The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.			
SUMMONS: YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.			
DATE TO APPEAR: 12/30/2016 TIME: 08:30AM STEVEN PAPILE 12/05/2016 Signature of Person Issuing Summons Date			
□ Domestic Violence – Confidentia	. 🗆 Rei	ated Traffic Tickets	☐ Serious Personal Injury/ Death
Domestic Violence - Confidentia		Other Complaints	involved