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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).

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

Sincerely,

/s/ Ryan S. Watson

Ryan S. Watson

cc: All counsel of record via ECF

