

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

JEFFERSON WAYNE SCHRADER, et al.,)	
)	Case No. 11-5352
Plaintiffs,)	
)	STATEMENT OF ISSUES TO
v.)	BE RAISED
)	
ERIC HOLDER, et al.,)	
)	
Defendants.)	
)	

STATEMENT OF ISSUES TO BE RAISED

Appellants, Jefferson Wayne Schrader and the Second Amendment Foundation, Inc. (“SAF”), hereby provide notice that they intend to raise the following issues on appeal:

Federal law bans the possession of firearms by any person previously convicted of an offense “punishable by imprisonment for a term exceeding one year,” with an exception for any State misdemeanor “punishable by a term of imprisonment of two years or less.” *See* 18 U.S.C. §§ 921(a)(20) and 922(g)(1).

In 1968, Plaintiff Schrader was involved in a fistfight and was subsequently convicted of simple (*i.e.*, non-aggravated) assault and battery, an uncodified historic common law misdemeanor under Maryland law lacking any statutory punishment criteria. His sole punishment was a \$100 fine and \$9 in court costs. Schrader went on to serve a tour in Vietnam, earn an honorable discharge from the Navy, and has had no meaningful encounters with law enforcement in the more than 40 years since.

1. Does Schrader’s conviction for this common law misdemeanor trigger application of the federal firearms ban, 18 U.S.C. §§ 921(a)(20) and 922(g)(1)?

2. Does the federal government's application of Section 922(g)'s lifetime firearms ban against Schrader, on the basis of this 1968 misdemeanor conviction, violate Schrader's fundamental Second Amendment right to keep and bear arms?

Dated: January 27, 2012

Respectfully submitted,

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By: /s/ Thomas M. Huff
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

On this, the 27th day of January, 2012, I served a copy of the foregoing Statement of Issues upon the following by electronic service. The document was filed electronically, generating a Notice of Electronic Filing, and counsel below has consented to electronic filing:

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I declare under penalty of perjury that the foregoing is true and correct.

This the 27th day of January, 2012

/s/ Thomas M. Huff
Thomas M. Huff

Attorney for Appellants