

RICHARD L HOLCOMB (HI Bar No. 9177)
Holcomb Law, A Limited Liability Law Corporation
1136 Union Mall, Suite 808
Honolulu, HI 96813
Telephone: (808) 545-4040
Facsimile: (808) 356-1954
Email: rholcomblaw@live.com

ALAN BECK (HI Bar No. 9145)
Attorney at Law
4780 Governor Drive
San Diego, California 92122
Telephone: (619) 971-0414
Email: ngord2000@yahoo.com

Attorneys for Plaintiff Christopher Baker

**UNITED STATE COURT OF APPEALS
NINTH CIRCUIT**

CHRISTOPHER BAKER,)
)
 Plaintiff,)
 vs.)
)
 LOUIS KEALOHA, as an individual and)
 in his official capacity;)
 CITY AND COUNTY OF HONOLULU;)
)
 Defendants.)
 _____)
 _____)

No. 12-16258
CASE NO. CV 11-00528
NOTICE OF SUPPLEMENTAL
AUTHORITY

Notice of Supplemental Authority

COMES NOW THE PLAINTIFF-APPELLANT, Christopher Baker submits this Notice of Supplemental Authority. The Oregon Supreme Court recently held the Second Amendment secures a right to carry loaded firearms in public places in *State v. Christian* (Ore. Aug. 15, 2013) (attached).

[W]e conclude in the first instance that the ordinance [limited carrying] does, to some extent, burden protected conduct falling within the scope of the Second Amendment's guarantee. [Footnote: ... Although *Heller* did not define the scope of the right to self-defense outside the home, we read the opinion as recognizing a right to self-defense outside the home to a degree yet to be determined by the Court....]. *Id* at 26, 27.

The court concluded that the ordinance at issue doesn't restrict the right because Oregon is a shall-issue state and people remain free to carry if they get a concealed carry license. "Significantly, the ordinance does not prohibit a person from knowingly possessing or carrying a loaded firearm in a public place if the "person [is] licensed to carry a concealed handgun." PCC 14A.60.010(C)(3)". *Id* at 8. Accordingly *Christian supra* supports Mr. Baker's position that the Second Amendment confers a right to bear arms outside the home and the lower court applied an erroneous legal standard when deciding Mr. Baker's Motion for Preliminary Injunction.

Respectfully submitted this 29th day of August, 2013

s/ Alan Beck

Alan Beck (HI Bar No. 9145)

CERTIFICATE OF SERVICE

On this, the 29th day of August, 2013, I served the foregoing pleading by electronically filing it with the Court's CM/ECF system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

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

Executed this the 29th day of August, 2013

s/ Alan Beck

Alan Beck (HI Bar No. 9145)