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Module 11: Predictive Memorandum

To: Jane Oakley
From: Isabella Bravo
Date: November 16,2025

Questions presented

Whether New York City's law that criminalizes removing firearms from one's residence violates the 2nd Amendment right of our client, Jane Oakley, who wishes to carry her firearms to out of state shooting competitions.

Brief Answer

Most probable. Jane Oakley is a law-abiding permit holder, and transporting firearms to competitions is usually a protected activity. Courts would likely find the New York law overly broad. She should explore applying for transport permits or an injunction. Under the Supreme Court's decision in *New York State Rifle and Pistol Association v. Bruen*, New York City's complete ban on removing firearms from the home cannot be sustained.

Facts

- i) Jane Oakley is a member of the New York City Gun Club; she has all the required New York permits for her firearms and keeps them at her home.
- ii) She competes on the Club's Shooting team in NRA.
- iii) She had planned to attend a competition in Pennsylvania but later learned that New York criminalizes removing her firearms from her home, making the trip to the contest a criminal offense.
- iv) She is currently requesting legal assistance, and to assess her legal options, both to be able to transport her firearms for competitions, and challenge New York restrictions.

Analysis

1. The US Supreme Court's decision in the *New York State Rifle and Pistol Association v. Bruen*. reshaped 2nd Amendment jurisprudence. The court rejected the traditional scrutiny and held that firearm regulations must be consistent with the nation's firearm regulations. This case protects the right to bear arms outside the home for lawful purposes, including self-defense and other lawful activities, shooting competitions would fall under those.
2. Prior to *Bruen*, courts recognized that transporting firearms for lawful purposes was protected under the Second Amendment.

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3. Jane Oakley has followed the law and obtained all her required permits for her firearms under New York law.
4. The New York law pretty much criminalizes her for using her Second Amendment right, by prosecuting the removal of firearms from her residence.

Potential Remedies

- i. Ms. Oakley can file suit challenging New York law as a violation of the 2nd Amendment.
- ii. Ms. Oakley may also seek an injunction allowing her to transport her firearms to competitions.
- iii. Ms. Oakley should investigate whether New York offers transfer permits or licenses that allow temporary firearm transport for sporting events.

Conclusion

Jane Oakley has a strong argument that New York City's ban from removing firearms from their home, does certainly infringe on her Second Amendment rights, given her status and her need to transport those firearms for competition. As a legal team, we should prepare a petition and simultaneously pursue administrative remedies.