



CAPTION

Jonathan Barris, Appellee
v.
Stroud Township, Appellant

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal
Case Status: Closed
Journal Number: J-29-2023 May 24, 2023
Case Category: Civil Case Type(s): Civil Action Law

CONSOLIDATED CASES

RELATED CASES

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 IFP Status:

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 68 MAP 2022

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December 30, 2024

SUPREME COURT INFORMATION

Appeal From: the Commonwealth Court Order dated May 28, 2021 at No. 671 CD 2020 Reversing the Order of the Court of Common Pleas of Monroe County, Civil Division, at No. 6773 Civil 2015 dated May 26, 2020.

Probable Jurisdiction Noted: Docketed Date: June 6, 2022
 Allocatur/Miscellaneous Granted: June 6, 2022 Allocatur/Miscellaneous Docket No.: 363 MAL 2021
 Allocatur/Miscellaneous Grant Order: AND NOW, this 6th day of June, 2022, the Petition for Allowance of Appeal is GRANTED. The issue, as rephrased, is:

Whether an ordinance that limits target shooting to two non-residential zoning districts, and thus does not provide for shooting ranges at all private residences, is facially unconstitutional under the Second Amendment to the United States Constitution?

In addressing this issue, the parties are directed to discuss in their briefs the following subsidiary matters: (1) whether this Court should adopt the two-step framework for addressing Second Amendment challenges utilized by the lower court; (2) whether the core Second Amendment right to possess firearms for self-defense recognized in *District of Columbia v. Heller*, 554 U.S. 570 (2008), also implies a corresponding right to acquire and maintain proficiency in their use; (3) whether such a corresponding right, if it exists, must extend to one's own home; and (4) the level of scrutiny courts should apply when reviewing enactments that burden individuals' ability to maintain firearms proficiency.

Justice Brobson did not participate in the consideration or decision of this matter.

AND NOW, this 6th day of July, 2022, the briefing directives contained in the Court's June 6, 2022 order are hereby VACATED, and the parties are DIRECTED to address the question presented under the standards announced in *N.Y. Rifle & Pistol Assoc., Inc. v. Bruen*, ___ S.Ct. ___, 2022 WL 2251305 (June 23, 2022).

Justice Brobson did not participate in the consideration or decision of this matter.

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/18/2022	2nd Motion for Extension of Time	10.00	08/29/2022	2022-SUP-M-001982	10.00

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth Docket Number: 671 CD 2020
 Date of Order: May 28, 2021 Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s): Brobson, P. Kevin
 Leavitt, Mary Hannah
 Leadbetter, Bonnie Brigance
 Intermediate Appellate Court Action: Reversed
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 68 MAP 2022

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December 30, 2024

Court Below: Monroe County Court of Common Pleas
 County: Monroe Division: Monroe County Civil Division
 Date of Agency/Trial Court Order: May 26, 2020
 Docket Number: No. 6773 Civil 2015
 Judge(s): Zulick, Arthur L. OTN:
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Part(s)		6
Trial Court Opinion - e-filed		1
Trial Court Record - e-filed		1

Record Remittal: March 13, 2024

BRIEFING SCHEDULE

Amicus Curiae	Appellee
Allegheny County Sportsmen's League, et al.	Barris, Jonathan
Brief	Brief
Due: October 24, 2022 Filed: October 21, 2022	Due: October 31, 2022 Filed: October 19, 2022
CeaseFire PA	
Brief	
Due: September 23, 2022 Filed: September 22, 2022	
Commonwealth of Pennsylvania	
Brief	
Due: September 23, 2022 Filed: September 22, 2022	
Firearms Policy Coalition and FPC Action Foundation	
Brief	
Due: October 24, 2022 Filed: October 21, 2022	
Appellant	
Stroud Township	
Brief	
Due: September 22, 2022 Filed: September 22, 2022	
Reply Brief	
Due: November 7, 2022 Filed:	
Reproduced Record	
Due: September 22, 2022 Filed: September 22, 2022	

SESSION INFORMATION

Journal Number: J-29-2023
 Listed/Submitted Date: May 24, 2023
 Consideration Type: Oral Argument Supreme Ct.



DISPOSITION INFORMATION

Related Journal No:	J-29-2023	Judgment Date:	February 21, 2024
Category:	Decided	Disposition Author:	Dougherty, Kevin M.
Disposition:	Reversed/Remanded	Disposition Date:	February 21, 2024
Dispositional Filing:	Dissenting Opinion	Author:	Mundy, Sallie U.
Filed Date:	February 21, 2024		
Dispositional Filing:	Concurring/Dissenting Opinion	Author:	Donohue, Christine
Filed Date:	February 21, 2024		
Dispositional Filing:	Majority Opinion	Author:	Dougherty, Kevin M.
Filed Date:	February 21, 2024		
Justice:	Todd, Debra	Vote:	Joins
Justice:	Wecht, David N.	Vote:	Joins
Justice:	Brobson, P. Kevin	Vote:	Did Not Participate in Consid/Decision of Case

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 6, 2022	Allocatur Granted		Per Curiam

Comments:

AND NOW, this 6th day of June, 2022, the Petition for Allowance of Appeal is GRANTED. The issue, as rephrased, is:

Whether an ordinance that limits target shooting to two non-residential zoning districts, and thus does not provide for shooting ranges at all private residences, is facially unconstitutional under the Second Amendment to the United States Constitution?

In addressing this issue, the parties are directed to discuss in their briefs the following subsidiary matters: (1) whether this Court should adopt the two-step framework for addressing Second Amendment challenges utilized by the lower court; (2) whether the core Second Amendment right to possess firearms for self-defense recognized in *District of Columbia v. Heller*, 554 U.S. 570 (2008), also implies a corresponding right to acquire and maintain proficiency in their use; (3) whether such a corresponding right, if it exists, must extend to one's own home; and (4) the level of scrutiny courts should apply when reviewing enactments that burden individuals' ability to maintain firearms proficiency.

Justice Brobson did not participate in the consideration or decision of this matter.

June 7, 2022 **Commonwealth Court Record Received**

Commonwealth Court of
Pennsylvania



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 6, 2022	Order Vacating Briefing Directives in June 6, 2022 Order and Directive to Address Question		Per Curiam
Comments: AND NOW, this 6th day of July, 2022, the briefing directives contained in the Court's June 6, 2022 order are hereby VACATED, and the parties are DIRECTED to address the question presented under the standards announced in N.Y. Rifle & Pistol Assoc., Inc. v. Bruen, ___ S.Ct. ___, 2022 WL 2251305 (June 23, 2022).			
Justice Brobson did not participate in the consideration or decision of this matter.			
July 6, 2022	Order Exited		Office of the Prothonotary
July 7, 2022	Application for Extension of Time to File Brief - First Request	Appellant	Stroud Township
July 11, 2022	Order Granting Application for Extension of Time to File Appellant Brief		Dreibelbis, Amy
Comments: AND NOW, this 11th day of July, 2022, Appellant's application for extension of time is granted. Appellant's Brief and Reproduced Record shall be filed on or before September 1, 2022.			
July 11, 2022	Order Exited		Office of the Prothonotary
August 18, 2022	Application for Extension of Time to File Brief - Second Request	Appellant	Stroud Township
August 22, 2022	Order Granting Application for Extension of Time to File Appellant Brief		Dreibelbis, Amy
Comments: AND NOW, this 22nd day of August, 2022, Appellant's second application for extension of time is granted only to the extent that Appellant's Brief and Reproduced Record shall be filed on or before September 22, 2022. Further extension requests will be denied.			
August 22, 2022	Order Exited		Office of the Prothonotary
September 22, 2022	Appellant's Brief	Appellant	Stroud Township
September 22, 2022	Appellant's Reproduced Record Filed	Appellant	Stroud Township
September 22, 2022	Amicus Curiae Brief	Amicus Curiae	CeaseFire PA
September 22, 2022	Amicus Curiae Brief	Amicus Curiae	Commonwealth of Pennsylvania
September 26, 2022	Praecepte for Appearance CeaseFire PA	Amicus Curiae	Misour, Devin Michael



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 19, 2022	Appellee's Brief	Appellee	Barris, Jonathan
October 21, 2022	Amicus Curiae Brief	Amicus Curiae	Allegheny County Sportsmen's League, et al.
Comments: Brief on behalf of: Allegheny County Sportsmen's League, Beaver County Conservation League, Firearms Owners Against Crime - Institute for Legal, Legislative, and Educational Action, Unified Sportsmen of PA, and USCCA Legal Defense Foundation			
October 21, 2022	Amicus Curiae Brief	Amicus Curiae	Firearms Policy Coalition and FPC Action Foundation
April 3, 2023	Acknowledgement of Argument Notice Stroud Township	Appellant	Albert, Neil Lawrence
April 17, 2023	Acknowledgement of Argument Notice Barris, Jonathan	Appellee	Kramer, Paul R., Jr.
April 17, 2023	Commonwealth of Pennsylvania's Unopposed Application to Participate in Oral Argument	Amicus Curiae	Commonwealth of Pennsylvania
April 24, 2023	No Answer Letter to Application for Oral Argument	Appellant	Stroud Township
April 25, 2023	No Answer Letter to Application for Oral Argument	Appellee	Barris, Jonathan
May 16, 2023	Order Granting Commonwealth of Pennsylvania's Unopposed Application to Participate in Oral Argument		Per Curiam
Comments: AND NOW, this 16th day of May, 2023, the Commonwealth's Unopposed Application to Participate in Oral Argument is GRANTED. Justice Brobson did not participate in the consideration or decision of this matter.			
May 16, 2023	Order Exited		Office of the Prothonotary
May 16, 2023	Acknowledgement of Argument Notice Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Amicus Curiae Amicus Curiae	Kirkpatrick, Sean Andrew Delone, John Bartley
May 22, 2023	Praecipe for Appearance Commonwealth of Pennsylvania	Amicus Curiae	Delone, John Bartley
May 24, 2023	Argued Stroud Township Commonwealth of Pennsylvania Barris, Jonathan	Appellant Amicus Curiae Appellee	Albert, Neil Lawrence Delone, John Bartley Kramer, Paul R., Jr.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 21, 2024	Reversed/Remanded		Dougherty, Kevin M.

Comments:

We hold the Second Amendment's plain text covers Barris's conduct based on the specific terms of the discharge ordinance before us, which permits the confiscation of lawfully owned arms. Nonetheless, we further hold the government has met its burden to justify the discharge ordinance's shooting range exception by showing it is consistent with the Nation's historical tradition of firearm regulation. As such, Barris's conduct falls outside the Second Amendment's unqualified command, and the Township's discharge ordinance is facially constitutional. We therefore reverse and remand.

* * * *

We close by adding our voice to the ever-growing chorus of courts across the country that have implored the High Court to answer some of the many questions Bruen both created and left unresolved -- or even to reconsider its path entirely. Our Nation is gripped by a level of deadly gun violence our founders never could have conceived, and, respectfully, some of the Court's actions in recent years have done little to quell the legitimate fears of "the people." Doubtless, the federal Constitution is king, and the heavy burden of interpreting that all-important document falls solely to the head of the federal judiciary. Still, to many, the Bruen Court's word that the Second Amendment is meant "to be adapted to the various crises of human affairs" largely rings hollow since the Court has frozen its meaning in time in the ways that matter most. Bruen, 597 U.S. at 28. Worse yet, the Court seemingly moves the goalposts with each new case it takes, most recently by sua sponte discarding a test that was uniformly embraced by courts across the country and replacing it with a harsh "history-and-tradition" test no one asked for. We cannot help but wonder (and fear, really): What's next?

Chief Justice Todd and Justice Wecht join the opinion.

Justice Donohue files a concurring and dissenting opinion.

Justice Mundy files a dissenting opinion.

Justice Brobson did not participate in the consideration or decision of this matter.

February 21, 2024	Judgment Entered	Office of the Prothonotary
March 13, 2024	Original Record Remitted to Commonwealth Court	Office of the Prothonotary
March 14, 2024	Acknowledgement of Record Remittal	Commonwealth Court of Pennsylvania Monroe County Court of Common Pleas

CROSS COURT ACTIONS

Docket Number:	363 MAL 2021
Docket Number:	671 CD 2020