
IN THE
SUPREME COURT OF MARYLAND

SEPTEMBER TERM, 2026

No. SCM-PET-0227-2026

DARIUS DUVALL,
Petitioner,

v.

STATE OF MARYLAND,
Respondent.

On Petition for Certiorari to the Supreme Court of Maryland
From a Decision of the Appellate Court of Maryland

**BRIEF OF AMICI CURIAE SECOND AMENDMENT FOUNDATION,
MARYLAND SHALL ISSUE, INC., NATIONAL RIFLE ASSOCIATION
OF AMERICA, CALIFORNIA RIFLE & PISTOL ASSOCIATION,
INCORPORATED, MINNESOTA GUN OWNERS CAUCUS, SECOND
AMENDMENT LAW CENTER, INC., THE CITIZENS COMMITTEE
FOR THE RIGHT TO KEEP AND BEAR ARMS, AND THE CATO
INSTITUTE IN SUPPORT OF PETITIONER AND CERTIORARI**

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CORPORATE DISCLOSURE STATEMENT

Counsel for amici curiae certify that Second Amendment Foundation, Maryland Shall Issue, Inc., National Rifle Association of America, California Rifle & Pistol Association, Incorporated, Minnesota Gun Owners Caucus, Second Amendment Law Center, Inc., the Citizens Committee for the Right to Keep and Bear Arms, and the Cato Institute are nonprofit organizations and thus have no parent corporations and no stock.

Date: July 23, 2026

/s/ Mark William Pennak
Mark William Pennak
Counsel for Amici Curiae

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INTEREST OF AMICI CURIAE¹

The Amici joining this brief consist of Second Amendment Foundation, Maryland Shall Issue, Inc., National Rifle Association of America, California Rifle & Pistol Association, Incorporated, Minnesota Gun Owners Caucus, Second Amendment Law Center, Inc., and the Citizens Committee for the Right to Keep and Bear Arms. They are each national or state-level nonprofit organizations dedicated to upholding and advancing the Second Amendment rights of Americans, including their respective dues-paying members. As part of their shared mission, Amici believe the Second Amendment's clear historical tradition commands that the right to carry be recognized across state lines without the burdens of applying for a permit in each and every state one visits.

Also joining the brief is the Cato Institute, a nonpartisan public policy research foundation, founded in 1977 and dedicated to advancing the principles of individual liberty, free markets, and limited government. This case concerns Cato because the right to armed self-defense, as well as the right to interstate travel, are essential to the American scheme of ordered liberty that our Constitution protects.

Pursuant to Rule 8-511(e)(2), Amici confirm that if this petition is granted, they intend to seek consent of the parties to file a brief on the merits.

¹ No counsel for a party authored this brief in whole or in part, and no such counsel or party made a monetary contribution to fund this brief. No person other than the amici, their members, or their counsel made a monetary contribution intended to fund the preparation or submission of this brief.

INTRODUCTION

In 2022, Lloyd Muldrow, a Marine veteran and self-defense instructor, stopped an attack by an armed assailant in a Baltimore bar. For his heroism, he would later receive the Carnegie Medal, which recognizes those who perform extraordinary acts of heroism in civilian life. But before that recognition, he suffered the humiliation of arrest and prosecution solely because he carried a firearm in Maryland with a Virginia carry permit, which Maryland refused to honor. As reported, “police thanked him—and then they arrested him.” See Valerie Richardson & Matt Delaney, *Baltimore Police Arrest ‘Good Guy with the Gun’ Who Stopped Armed Attacker*, Wash. Times (D.C, Sept. 2, 2022, [https://www.washingtontimes.com/news/2022/sep/2/good-samaritan-faces-charges-after-stopping-armed-/](https://www.washingtontimes.com/news/2022/sep/2/good-samaritan-faces-charges-after-stopping-armed/) (last visited July 13, 2026)). Mr. Muldrow would eventually receive probation for his “crime.” His experience underscores that the issue of interstate carry rights is not limited to this case. Rather, it threatens responsible, licensed carriers nationwide—including Petitioner Duvall, who similarly was arrested in Maryland for carrying while holding a valid District of Columbia carry permit. This Court should grant the petition and address this issue.

Just a few years ago, the United States Supreme Court confirmed that the Second Amendment protects “the general right to publicly carry arms for self-defense.” *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 31 (2022). The Court recently reaffirmed that holding in *Wolford v. Lopez*, No. 24–1046, 609 U.S. ---, ---- S.Ct. ----, 2026 WL 1825723 (U.S. June 25, 2026), and in *United*

States v. Hemani, 146 S.Ct. 1677, 1685 (2026). That right cannot tolerate each state having the power to force individuals from every other state to jump through time-consuming and often costly hoops before it deigns to allow them to carry a firearm within its borders. Interstate visitors are Americans, yet states like Maryland treat them as suspect foreigners that need to be re-vetted before exercising a fundamental right. As this brief will concisely show, our historical tradition demands exactly the opposite.

Several of the Amici joined a lengthier brief in the United States Supreme Court in support of certiorari on this very issue.² While neither this Court nor the Supreme Court granted review in that matter, the recent decisions in *Wolford* and *Hemani* counsel certiorari in this case. Of course, “a denial of certiorari does not mean that the Court agrees with a lower-court decision or that the issue is not worthy of review.” *Snope v. Brown*, 145 S. Ct. 1534, 1535 (2025) (Kavanaugh, J., statement respecting denial of certiorari). For example, the Supreme Court turned away the “assault weapon” issue for years, but just recently granted certiorari on that topic. *Viramontes v. Cook Cnty.*, No. 25-238, *cert granted*, 2026 WL 1871322 (U.S. June 30, 2026).

² See <https://saf.org/wp-content/uploads/2025/12/Gardner-amicusbrief.pdf>. The matter was *Gardner v. State*, No. 1496, Sept. Term 2022 (filed Apr. 18, 2025), *cert. denied*, 491 Md. 637 (2025), *cert. denied*, *Gardner v. Maryland*, No. 25-5961, 12026 WL 1513299 (U.S. June 1, 2026).

ARGUMENT

I. TRAVELERS FROM OTHER STATES WERE HISTORICALLY EXEMPTED FROM STATE AND LOCAL RESTRICTIONS ON CARRYING FIREARMS.

Before 1900, carrying a firearm openly generally did not require a permit or any other permission from the government. *Bruen*, 597 U.S. at 68 & n.30. Concealed carry, on the other hand, was often restricted or banned entirely. Courts generally approved of this arrangement. *Id.* at 53 (“concealed-carry prohibitions were constitutional only if they did not similarly prohibit open carry”). But there was one notable exception. Travelers from other states were usually allowed to carry their firearms concealed. The historical tradition of these “traveler’s exception” laws is not some outlier, but overwhelming to the point that it justifies this Court summarily reversing the decision below. It is especially relevant here, given the Petitioner was arrested while traveling in a vehicle.

This tradition began in the colonial era. In 1686, the Province of East Jersey prohibited “privately” wearing various weapons but exempted “all strangers, travelling upon their lawful occasions thro’ this Province, behaving themselves peaceably.” 23 *The Grants, Concessions, and Original Constitutions of the Province of New Jersey* at 289-90 (1758). An 1813 Kentucky law was perhaps the earliest post-founding example, prohibiting the concealed carry of certain weapons “unless when travelling on a journey.” 1813 Ky. Acts 100, *An Act to Prevent Persons in this Commonwealth from Wearing Concealed Arms, Except in Certain Cases*, ch. 89, § 1. An 1820 Indiana law was similar,

limiting its concealed carry ban by stating it “shall not be so construed as to affect travellers.” 1819 Ind. Acts 39, *An Act to Prohibit the Wearing of Concealed Weapons*.

By the end of the Antebellum Era, at least three other states (Tennessee, Arkansas, and Alabama) had also banned concealed carry but provided express exceptions for travelers. See 1821 Tenn. Pub. Acts 15–16, *An Act to Prevent the Wearing of Dangerous and Unlawful Weapons*, ch. 13 (“[N]othing herein contained shall affect ... any person that may be on a journey to any place out of his county or state.”); REVISED STATUTES OF THE STATE OF ARKANSAS, ADOPTED AT THE OCTOBER SESSION OF THE GENERAL ASSEMBLY OF SAID STATE, A.D. 1837, at 280 (1838) (1837 law applying to every person “unless upon a journey”); 1841 Ala. Laws 149 (prohibiting concealed carry “unless such person shall ... be travelling, or setting out on a journey”).

This tradition continued well after the Civil War. For example, an 1867 Nevada law barred concealed carry for everyone who was not a “peace officer or traveler.” 1867 Nev. Stat. 66. And an 1864 California law did the same. 1863 Cal. Stat. 748.

Dozens more examples exist, and a recent lawsuit painstakingly compiled **over 80** of them. See Complaint ¶¶ 50–131, *Solinsky v. Lopez*, No. 1:26-cv-00117 (D. Haw. Mar. 7, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.hid.177496/gov.uscourts.hid.177496.1.0.pdf>.

The exception for travelers was so widely accepted that future Supreme Court Justice Oliver Wendell Holmes, Jr., wrote that, whether or not

prohibitions on the concealed carry of weapons are constitutional, carry by travelers is generally a recognized right:

As the Constitution of the United States, and the constitutions of several of the states, in terms more or less comprehensive, declare the right of the people to keep and bear arms, it has been a subject of grave discussion, in some of the state courts, whether a statute prohibiting persons, **when not on a journey, or as travellers, from wearing or carrying concealed weapons**, be constitutional.

2 James Kent, *Commentaries on American Law*, 340 n.2 (O.W. Holmes, Jr. ed., 12th ed. 1873) (emphasis added).

Maryland will likely argue that many of these historical laws were written to protect travelers only while they were traveling through the state or between cities in the state, and they would not apply after the traveler had stopped at a destination for more than a short time. *See, e.g., Carr v. State*, 34 Ark. 448, 449 (1879) (“The exception in the statute is to enable travelers to protect themselves on the highways Travelers do not need weapons, whilst stopping in towns, any more than citizens do.”). Of course, the Petitioner *was* traveling when he was arrested. Yet Maryland law, MD Code, Criminal Law, § 4-203(a), does not provide even that minimal allowance for visitors from other states.

Maryland’s law unquestionably regulates conduct that is protected by the “plain text” of the Second Amendment and is thus “presumptively unconstitutional.” *Wolford*, 2026 WL 1825723 at *6. The burden thus shifts to the State to show that the “challenged law did not infringe the historical understanding of the codified right.” *Id.* Maryland cannot carry that burden

here because the “historical understanding” of the right demonstrates that travelers from other states had a right to be armed while traveling and thus got *more* leeway than residents when it came to carry. While *Bruen* suggests that a State may require their own residents to obtain “shall issue” carry permits so as to ensure that they are law-abiding, 597 U.S. at 38 n.9, nothing in that holding permits a State to ignore historical traditions associated with non-resident travelers, especially for non-residents who have carry permits from their home states.

Indeed, historically travelers who stopped somewhere, and thus did not fall under the traveler’s exception laws, could still generally carry firearms openly. It was only concealed carry that was typically restricted. Petitioner, by contrast, had no such option, as Maryland law mandates that a handgun must be unloaded and enclosed in a holster or a case and only then for limited locations and purposes. MD Code, Criminal Law, § 4-203(b). Lacking a Maryland permit, Petitioner could not exercise “the general right to publicly carry arms for self-defense” *Bruen*, 597 U.S. at 31, unless he made redundant and costly efforts to pay more licensing fees, take more training courses, and sit for more police interviews to get a permit in Maryland. See MD Code, Public Safety, § 5-306(a)(9),(10),(a-1). The burden that Maryland’s modern law imposes is thus not comparable to any historical precedent. And “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are

‘*central*’ considerations when engaging in an analogical inquiry.” *Bruen*, 597 U.S. at 29.

History is clear, and it tells us that Maryland must—at minimum—recognize carry permits issued by other states to law-abiding adults in line with the historical traveler’s exception laws. The traveler’s exception laws are directly on point, well-represented in our history, and uncontroversial. They definitively decide this case in Petitioner’s favor.

CONCLUSION

The Second Amendment mandates interstate reciprocity for travelers as demonstrated by the historical traveler’s exception laws presented in this brief. This Court should seize the opportunity to get on the right side of the Second Amendment. Denying this petition would ignore history and thus would be tantamount to defying what *Bruen* demands.

Respectfully submitted

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief contains 1,887 words, excluding the parts of the brief exempted from the word count by Rule 8-503. This brief uses Century Schoolbook size 13 proportional font and otherwise complies with the font, spacing, and type size requirements of Rule 8-112.

Date: July 23, 2026

/s/ Mark William Pennak

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Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2026, a copy of the foregoing Brief of Amici Curiae was served via the MDEC File and Serve Module upon all counsel of record.

Date: July 22, 2026

/s/ Mark William Pennak

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