

SUPREME COURT OF MARYLAND

Fooks v. State of Maryland

Fooks v. State, No. 24, September Term, 2022 (Md. Aug. 15, 2023) · No. No. 24, September Term, 2022 ·
Decided August 15, 2023

SUMMARY

The Supreme Court of Maryland granted the State’s unopposed motion to stay Robert L. Fooks’s case pending the United States Supreme Court’s decision in United States v. Rahimi. Judge Gould dissented, concluding that Rahimi involved a materially different federal statute and that the Maryland court should decide the fully briefed case without waiting.

CASE DETAILS

COURT	Supreme Court of Maryland
WRITING FOR THE COURT	Matthew J. Fader, C.J.; Watts, J.; Hotten, J.; Booth, J.; Biran, J.; Gould, J.; Eaves, J.
JURISDICTION	Maryland
DECIDED	August 15, 2023
DOCKET	No. 24, September Term, 2022
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Maryland stayed the case, on the State's unopposed motion, pending the United States Supreme Court's decision in United States v. Rahimi.
PRECEDENTIAL VALUE	Published order; the underlying merits remain unresolved in the provided document.
PARTIES	Robert L. Fooks v. State of Maryland

TOPICS

- second amendment
- appellate procedure
- constitutional law
- federalism
- appellate jurisdiction

PRACTICE AREAS

- constitutional law
- criminal procedure
- appellate procedure
- firearms law

QUESTIONS PRESENTED

1. Whether the case should be stayed pending the United States Supreme Court's disposition of *United States v. Rahimi*.
2. What schedule should govern the case after the United States Supreme Court finally disposes of *Rahimi*.

HOLDINGS

1. The Supreme Court of Maryland granted the State's unopposed motion to stay the case pending a decision by the United States Supreme Court in *United States v. Rahimi*.
2. Upon the United States Supreme Court's final disposition of *Rahimi*, the parties must promptly notify the Clerk and propose a schedule for supplemental briefing.

KEY QUOTATIONS

"ORDERED that, pending a decision by the United States Supreme Court in United States v. Rahimi, Docket No. 22-915, October Term, 2023, this case is stayed." (Order)

"Upon a final disposition by the United States Supreme Court in Rahimi, the parties shall promptly notify the Clerk and propose a schedule for supplemental briefing." (Order)

FACTUAL BACKGROUND

The case concerns constitutional challenges involving firearm restrictions, including the scope of the Second Amendment as applied to Maryland law. The Supreme Court of Maryland had granted review, the case was fully briefed and argued, and the court was awaiting decision when the State sought a stay based on the anticipated relevance of the United States Supreme Court's decision in *Rahimi*.

PROCEDURAL HISTORY

The case arose from the Circuit Court for Wicomico County under Case No. C-22-CR-21-000030 and was argued before the Supreme Court of Maryland on March 2, 2023. Before the court issued a merits decision, the State moved to stay the case pending the United States Supreme Court's disposition of *Rahimi*. The Supreme Court granted the motion and directed the parties to notify the Clerk and propose a supplemental-briefing schedule after *Rahimi* was finally decided.

DISPOSITION

other

CASES CITED

- *United States v. Rahimi*, No. 22-915, 2023 WL 4278450 (U.S. Jun. 30, 2023)
- *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022)
- *Koenig v. State*, 368 Md. 150, 151 (2002) (Bell, C.J., dissenting)