

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**UNITED STATES OF AMERICA**

**CRIMINAL ACTION**

**VERSUS**

**NO. 6:21-CR-00212-JDC-KK-1**

**JEREMIAH MICAH DEARE**

**MEMORANDUM IN SUPPORT OF  
MOTION TO DISMISS INDICTMENT BASED UPON THE SECOND AMENDMENT**

MAY IT PLEASE THE COURT:

**1. Background**

The charges in the indictment require the application of the term “dealer” as defined in the federal statute prohibiting dealing of firearms without a license. 18 U.S.C 922(a)(1). Once triggered, sellers are required to have a federal firearm’s license, catalog the sale of guns into and out of their inventory and identify and document the purchaser of the weapons. This information is given to the ATF. Exchanges to develop a personal collection are not subject to the regulations and law prosecuted in this case. The question is whether the procedure required by the statutory provisions contained in counts 2-7 are consistent with the Second Amendment’s text and history. It is the Government’s burden of persuasion. A burden they will not meet.

**2. Law and application to our case**

In order to justify a regulation that is protected by the Second Amendment, the Government must demonstrate that it is consistent with our nation’s historical tradition of firearms regulation.

N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S.Ct. 2111(2022). There are no means tests. Id. The Government will not meet its burden of persuasion. The following is a times line as it pertains to the regulation of firearms in the United States:

- A) 1791: The Ratification of the Second Amendment;
- B) 1934: Passage of The National Firearms Act. This is the first piece of national gun control in our nation's history. It regulated through taxes and other means certain weapons associated with organized crime.
- C) 1938: Passage of the Federal Firearms Act. This act required gun manufacturers, importers and dealers obtain a federal firearms license and mandated that gun seller's keep customer records. The conduct in question is rooted within this act historical though the Act would be replaced by the Gun Control Act of 1968 which adopted many of its provisions.

As you can see, the regulation of guns, including the rules pertaining to federal firearms license holders is a fairly recent invention. To suggest that New Deal Legislation is consistent with our nation's historical traditions probably lacks academic support. The New Deal was, as it purported to be, a New Deal but it was not effectuated through the ratification process like the Bill Of Rights. One seriously doubts that our Founders would have approved providing King George with the name and address of every gunner owner and the identification of all of their weapons. Such a rule is inconsistent with maintaining a well regulated militia, These registrations and forms run afoul of the Second Amendment and, as such, the Indictment must be quashed.

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1 <https://time.com/5169210/us-gun-control-laws-history-timeline/>

WHEREFORE, we respectfully urge dismissal of the Indictment.

Respectfully Submitted:

**MANASSEH, GILL, KNIPE &  
BÉLANGER, P.L.C.**

s/ André Bélanger  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed the foregoing Memorandum in Support Motion to Dismiss Indictment Based Upon the Second Amendment with the Clerk of Court by using the CM/ECF which will send a notice of electronic filing to opposing counsel in the United States Attorney's Office.

Baton Rouge, Louisiana this 30th day of June, 2023.

s/ André Belanger  
ANDRÉ BÉLANGER