



February 2, 2025

Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504

Re: McClellan et al v. Attorney General, No. 1037996

Dear Commissioner of the Supreme Court,

I represent Respondents in this matter, Geoffrey McLellan and Jackson Holloway. I write in support of the Attorney General's Motion for Discretionary Review and Motion for Direct Review.

My clients have filed a constitutional challenge to a state statute, arguing that the Second Amendment cannot tolerate the prohibition on firearms imposed by RCW 9.41.040(2)(a)(i)(D). Such a challenge has broad implications and, even if the Motion for Discretionary Review is denied, will almost certainly wind up before this Court in the future. By granting the Motion for Discretionary Review now, the Court can decide an important question and short circuit months or years of potentially needless litigation in the trial court. Both parties have an interest in avoiding needless litigation. The record is sufficiently developed to allow the Court to decide the threshold question of whether Respondents have a valid claim under the Second Amendment. While Respondents disagree with the Attorney General regarding the constitutionality of the challenged statute, Respondents do agree that the Court should grant the Motion for Discretionary Review.

Furthermore, Respondents agree that the Court should grant direct review. This case "involv[es] a fundamental and urgent issue of broad public import which requires prompt and ultimate determination." RAP 4.2(a)(4). Intermediary appellate review serves little purpose when this Court would likely accept review following a decision by the Court of Appeals. And this case is likely to be appealed regardless of the outcome. Providing the trial court and the parties with guidance from the state's court of last resort results in more efficient litigation.

Sincerely,

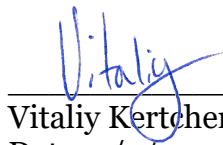


Vitaliy Kertchen
Attorney at Law

I, Vitaliy Kertchen, being of sound age and mind, declare that on 2/2/25, I served this document on the Attorney General and the Spokane Police Department by uploading it using the Court's e-filing application and emailing a copy of the document using that process to all registered users.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Respectfully submitted,



Vitaliy Kertchen #45183

Date: 2/2/25

Place: Lakewood, WA

KERTCHEN LAW, PLLC

February 02, 2025 - 11:40 AM

Transmittal Information

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Appellate Court Case Title: Geoffrey G. McClellan et al. v. Robert W. Ferguson
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