

Supreme Court's Bruen Ruling Potentially Beneficial to Hunter Biden's Gun Charge Defense



In a recent opinion article for the Washington Post, columnist Jason Willick suggests that a U.S. Supreme Court decision authored by Justice Clarence Thomas may have created uncertainty surrounding the constitutionality of a gun charge against Hunter Biden, resulting in a favorable plea deal. Willick specifically points to Justice Thomas' opinion in *New York State Rifle & Pistol Association Inc. v. Bruen*, a significant ruling from June 2022 that affirmed the Second Amendment's protection of an individual's right to carry a handgun for self-defense outside the home. This decision was primarily grounded in historical tradition and textual analysis of the Second Amendment.

Hunter Biden's **plea deal** involved pleading guilty to two misdemeanor tax charges related to the late payment of taxes for the years 2017 and 2018. Additionally, the deal allowed him to enter a pretrial diversion program to address a felony charge of possessing a firearm while being a drug user. If Biden adheres to the terms of the diversion program, the drug charge will be dropped.

The gun charge against Biden was brought under Section 922(g)(3) of Title 18 in the U.S. Code. This provision, along with other criminal gun regulations, is currently a subject of intense debate in lower courts, as explained by Douglas A. Berman, a professor at the Ohio State University Moritz College of Law, who spoke to the Washington Post via email. Berman notes that the possibility of a constitutional challenge likely made the diversion program an attractive option for Biden.

See also: [Hunter Biden Set to Plead Guilty to Tax Crimes and Admit Gun Offense in Legal Case](#)

Writing for ABAJournal.com, Erwin Chemerinsky, the dean of the University of California at Berkeley School of Law and a contributor to the Journal, describes the Bruen decision as "the most expansive reading of the Second Amendment in American history." Chemerinsky expresses concern that this approach could significantly undermine countless firearms regulations.

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The impact of the Bruen decision is evident in a recent en banc ruling by the 3rd U.S. Circuit Court of Appeals in Philadelphia. Citing the Bruen opinion, the court ruled that an individual convicted of food stamps fraud had a Second Amendment right to possess a firearm, despite a federal law prohibiting such possession. The defendant in this case faced a potential prison sentence of up to five years for the state misdemeanor offense of making a false statement about his income to obtain food stamps in 1995.

The federal felon-in-possession law prohibits felons from possessing firearms and restricts gun possession for individuals convicted of state misdemeanors carrying potential prison terms exceeding two years.

In the 3rd Circuit's decision, two out of four dissenting judges argued that the majority's opinion applied an analytical framework that could render most, if not all, felon bans unconstitutional.

The Bruen decision has ignited a significant debate about the interpretation and scope of the Second Amendment. Its potential implications for firearms regulations are far-reaching, leading to uncertainties in various legal cases, including Hunter Biden's gun charge.

As the legal landscape continues to evolve, the Bruen decision serves as a catalyst for discussions on the balance between individual gun rights and public safety. The impact of this ruling will likely reverberate through lower courts, shaping the future of Second Amendment jurisprudence and influencing the outcome of similar cases in the years to come.

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