

# In the Indiana Supreme Court

Bernard A. Carter, in his official capacity as Prosecuting Attorney for the 31<sup>st</sup> Judicial Circuit, and Stanley M. Levco, in his official capacity as Special Prosecuting Attorney,

Appellants,

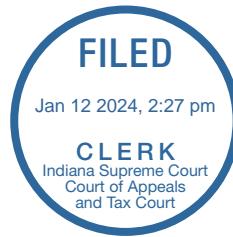
v.

Oscar Martinez, Jr., personally and in his official capacity as Lake County Sheriff,

Appellee.

Supreme Court Case No.  
23S-PL-267

Trial Court Case No.  
45D01-2211-PL-00649



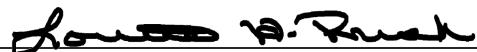
## Order

Appellants, by counsel, timely move the Court to stay briefing of this appeal pending the United States Supreme Court's decision in *United States v. Rahimi*, No. 22-915. Appellants' brief in this direct appeal is currently due by January 16, 2024.

Appellants' motion states the trial court has stayed enforcement of its order finding Indiana Code section 35-47-2-1.5(b)(6) unconstitutional until the instant appeal is resolved, so the status quo will not be disturbed by staying these proceedings. Further, Appellants indicate the U.S. Supreme Court's decision in *Rahimi* will bear directly on the issues in the present appeal, which involves a challenge to the constitutionality of Indiana's statute preventing persons under indictment from carrying handguns. Appellants argue the interests of judicial economy are best served by staying this appeal until *Rahimi* is decided. Appellee, by counsel, has filed a response opposing this motion.

Being duly advised, the Court GRANTS Appellants' "Verified Motion for Stay of Briefing or in the Alternative Second Motion for Extension of Time" as to the request to stay briefing. Appellants shall file a motion requesting a briefing schedule within five business days after the U.S. Supreme Court issues its decision in *United States v. Rahimi*. The Court will then issue an order setting a briefing schedule.

Done at Indianapolis, Indiana, on 1/12/2024.



Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.