

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

CHRISTOPHER MICHAEL ALBERTS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

Case No. 21-cr-26 (CRC)

GOVERNMENT’S SUPPLEMENTAL BRIEF IN RESPONSE
TO THE COURT’S ORDER

On November 23, 2022, the Court directed the parties to file supplemental briefing addressing various questions related to Count Ten, which charges defendant Christopher Michael Alberts with unlawful possession of a large capacity ammunition feeding device, in violation of D.C. Code § 7-2506.01(b). Those questions include whether the D.C. Circuit’s holding in *Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011), that Section 7-2506.01(b) is consistent with the Second Amendment, survives the Supreme Court’s decision in *New York State Rifle & Pistol Assoc. Inc. v. Bruen*, 142 S. Ct. 2111 (2022); and which party bears the burden to establish a statute’s constitutionality on a motion to dismiss a criminal charge. ECF No. 77 at 9. The final question posited by the Court asks whether the government intends to proceed with Count Ten in this case. *Id.*

As reflected in the motion to dismiss Count Ten filed today, the government has opted not to proceed with that Count. The government respectfully submits that the remaining four inquiries have been mooted by that voluntary dismissal.

Accordingly, unless the Court so orders, the government does not intend to address the other questions.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052

/s/ Jordan A. Konig
JORDAN A. KONIG
Supervisory Trial Attorney, Tax Division,
U.S. Department of Justice
Detailed to the U.S. Attorney's Office
For the District of Columbia
P.O. Box 55, Washington, D.C. 20044
202-305-7917 (v) / 202-514-5238 (f)
Jordan.A.Konig@usdoj.gov