

Circuit Court for Wicomico County
Case No. C-22-CR-22-000272

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1371

September Term, 2022

RAQWAN UNIQUE WRIGHT

v.

STATE OF MARYLAND

Graeff,
Tang,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: July 9, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

On April 25, 2022, officers from the Salisbury Police Department were patrolling the area near Brown Street and Elizabeth Street when they encountered two individuals. As the officers approached, both individuals immediately fled on foot. The officers pursued and apprehended the appellant, Raqwan Wright, who stated that there was a gun in the backpack he was carrying. Upon searching the backpack, officers found a loaded firearm.

The State charged the appellant with one count of carrying a handgun and a second count of carrying the same loaded gun with ammunition under Maryland Code Annotated, Criminal Law Article (“CR”) § 4-203(a)(1)(i) and (v), respectively.¹ The appellant moved to dismiss the charges based on *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). The Circuit Court for Wicomico County denied the motion. The appellant subsequently entered a conditional plea of guilty to one of the gun charges to preserve his right to challenge the court’s ruling on his motion to dismiss. The court sentenced the appellant to three years’ imprisonment, suspending all but time served.

On appeal, the appellant asserts that the court erred in denying his motion to dismiss because CR § 4-203(a)(1)(v) is unconstitutional on its face and as applied to him.² For the reasons set forth below, we affirm the judgment of the circuit court.

¹ The appellant was also charged with trespass, but the State later entered a *nolle prosequi* on this count.

² “In an as-applied challenge, the court focuses on the circumstances of the particular plaintiffs and whether, in light of those circumstances, the challenged law was unconstitutionally applied to *those* plaintiffs.” *State v. Fields*, No. 784, Sept. Term 2022, slip op. at 14 (Md. App. Ct. filed July 2, 2026) (citation omitted). “By contrast, in a facial constitutional challenge a plaintiff asks the court to declare that the statute is invalid.” *Id.* (citation omitted). “So to succeed in a facial constitutional challenge, a plaintiff confronts

DISCUSSION

“The standard of review of the grant or denial of a motion to dismiss is whether the trial court was legally correct.” *Fooks v. State*, 255 Md. App. 75, 88 (2022) (citation omitted). “The proper scope of a constitutional right, and its application to a particular set of facts, are issues of law.” *Pizza di Joey, LLC v. Mayor of Balt.*, 470 Md. 308, 339 (2020). “Therefore, we review such questions *de novo*.” *Id.*

At the time of the offenses in this case, CR § 4-203 provided, in relevant part:

(a)(1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

....

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person’s official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

a much more difficult task, namely, to establish that there is ‘no set of circumstances’ under which the law would be valid.” *Id.* (citation omitted).

- (ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;
 - (iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;
 - (iv) a correctional officer or warden of a correctional facility in the State;
 - (v) a sheriff or full-time assistant or deputy sheriff of the State; or
 - (vi) a temporary or part-time sheriff's deputy;
- (2) *the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article[.]*

CR § 4-203(a) (emphases added).

At the time of the offenses, Maryland Code Annotated, Public Safety Article (“PS”) § 5-307 provided, in relevant part, that “[a] permit is valid for each handgun legally in the possession of the person to whom the permit is issued.” PS § 5-307(a). The version of PS § 5-306 effective at the time of the appellant’s offense listed the qualifications for obtaining a handgun permit. In relevant part, PS § 5-306(a)(6)(ii) required the permitting agency to find, based on an investigation, that the applicant had “*good and substantial reason* to wear, carry, or transport a handgun, such as a finding that the permit [was] necessary as a reasonable precaution against apprehended danger.” PS § 5-306(a)(6)(ii) (emphasis added).

In *Bruen*, the United States Supreme Court held that the Second and Fourteenth Amendments to the United States Constitution “protect an individual’s right to carry a handgun for self-defense outside the home.” 597 U.S. at 10. This Court summarized the holding in *Bruen*, as follows:

The case arose from a challenge to the constitutionality of New York’s licensing regime, which made it a crime to possess any firearm without a license, and provided that, to obtain a license to carry a concealed gun, the applicant must show “proper cause.” The “proper cause” requirement had been interpreted to require an applicant to “demonstrate a special need for self-protection distinguishable from that of the community.”

The Court stated that, if “the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.” The Court held that the plain text of the Second Amendment, which provides that “the right of the people to keep and bear Arms, shall not be infringed,” protects an individual’s right to carry handguns publicly for self-defense. Based on that plain language, the government had the burden to justify any regulation on handguns by showing that it was “consistent with this Nation’s historical tradition of firearm regulation.” The Court acknowledged that “the right to keep and bear arms in public has traditionally been subject to well-defined restrictions governing the intent for which one could carry arms, the manner of carry, or the exceptional circumstances under which one could not carry arms.” It concluded, however, that the “historical record compiled by respondents does not demonstrate a tradition of broadly prohibiting the public carry of commonly used firearms for self-defense” or “limiting public carry only to those law-abiding citizens who demonstrate a special need for self-defense.” Accordingly, the Court held that New York’s proper cause licensing requirement was unconstitutional.

Hicks v. State, No. 634, Sept. Term 2024, slip op. at 12–13 (Md. App. Ct. June 4, 2026) (citations omitted).

After *Bruen*, this Court held that the “good and substantial reason” requirement of PS § 5-306(a)(6)(ii) was unconstitutional. *In re Rounds*, 255 Md. App. 205, 212 (2022). In 2023, the General Assembly amended PS § 5-306 to remove the “good and substantial reason” requirement, effective October 1, 2023. 2023 Md. Laws Ch. 651. Accordingly, Maryland is now a “shall issue” state. *Hicks*, slip op. at 14.

The appellant’s constitutional claim is based on the invalidated “good and substantial reason” prerequisite. He argues that “[a]t the time of the incident, Maryland’s

permitting scheme was plainly unconstitutional. Section 4-203, which rested on that scheme, was therefore also unconstitutional.” The State responds that the appellant lacked standing to challenge CR § 4-203 because he never applied for a handgun permit. Assuming he had standing, the State argues that the “good and substantial reason” language invalidated by *Bruen* is severable, and the permit-qualification statute remains valid, leaving in place a permitting scheme that made the appellant’s conduct criminal under CR § 4-203.

We recently addressed this issue in *State v. Fields*, No. 784, Sept. Term 2022 (Md. App. Ct. filed July 2, 2026). For purposes of this opinion, we assume without deciding that the appellant has standing to challenge CR § 4-203. *See id.*, slip op. at 36. Regarding severability, “the legislative intent regarding severability is clear.” *Id.* at 37. In 2014, the General Assembly enacted legislation providing as follows:

(a) *In general.* — Except as otherwise provided, the provisions of all statutes enacted after July 1, 1973, are severable.

(b) *When part of statute found to be unconstitutional or void.* — The finding by a court that part of a statute is unconstitutional or void does not affect the validity of the remaining portions of the statute, unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

Md. Code Ann., Gen. Provisions (“GP”) § 1-210.

In *Fields*, we held that PS § 5-306(a)(6)(ii) was severable from the rest of the permitting scheme:

PS § 5-306(a)(6)(ii) was first enacted in 1972, *see* 1972 Md. Laws Ch. 13, and it was codified in Md. Ann. Code, art. 27 § 36E(a)(6). *See State v. Crawford*, 308 Md. 683, 694, 695 n.5 (1987). The statute was repealed and re-enacted without substantial revisions on October 1, 2003. 2003 Md. Laws,

Ch. 5, §§ 1 & 2. The General Assembly, therefore, intended that the revised and re-enacted provisions, including the “good and substantial reason” requirement, be severable.

Moreover, after *Bruen* invalidated the “good and substantial reason” requirement, see *In re Rounds*, 255 Md. App. at 212, the General Assembly repealed this provision. 2023 Md. Laws, Ch. 651, § 1 (H.B. 824). The legislature, however, left the remaining provisions of PS § 5-306 as they existed at the time of appellee’s arrest. *Id.* These provisions required that individuals seeking a permit to publicly carry a handgun must demonstrate, among other things, that they had not been convicted of any disqualifying crimes, *id.* § 5-306(a)(2)-(3); had completed certain firearms training courses, *id.* § 5-306(a)(5); and had not exhibited a propensity for violence that might render their possession of a firearm dangerous to themselves and others, *id.* § 5-306(a)(6). After the GSR requirement was removed, the permitting scheme, as revised, was not “incomplete and incapable of being executed in accordance with the legislative intent.” GP § 1-210(b). See *State v. Wade*, 301 A.3d 393, 511 (N.J. Super. Ct. App. Div. 2023) (the “justifiable need” provision of the New Jersey gun-carry permit statute was severable, leaving the remaining portions of the firearm permitting scheme constitutional and enforceable following *Bruen*), *superseded on other grounds by statute*, N.J. Stat. Ann. § 2C:58-4 (West 2022).

Fields, slip op. at 37–38. We concluded that the invalid “good and substantial reason” provision was severable, leaving in place a permitting scheme that, together with the gun statutes, made the appellant’s conduct criminal. *Id.* at 38.

The appellant has not shown that CR § 4-203(a)(1)(v) was facially unconstitutional or unconstitutional as applied to him.³ For the reasons stated, the court did not err in denying the motion to dismiss.

³ The appellant argues that CR § 4-203(a)(1)(v) is unconstitutional for “yet another reason.” He argues that, to the extent the statute seeks to regulate dangerous or violent people, the statute contains no mechanism for judicially determining one’s current dangerousness. The argument was not raised below, so we shall not address it. See Md. Rule 8-131(a).

**JUDGMENT OF THE CIRCUIT COURT
FOR WICOMICO COUNTY AFFIRMED.
COSTS TO BE PAID BY THE APPELLANT.**