

In the Indiana Supreme Court

Bernard A. Carter, in his official capacity as
Prosecuting Attorney for the 31st 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-649



Published Order

This case is before the Court on direct appeal of an order by the Lake Superior Court declaring Indiana Code section 35-47-2-1.5(b)(6) unconstitutional in violation of Article 1, Section 32 of the Indiana Constitution and the Second Amendment to the United States Constitution. *See* Ind. Appellate Rule 4(A)(1)(b).

Each party informed the Court through their respective briefing that Martinez pled guilty to a misdemeanor. Because the parties agree Martinez is no longer subject to the statute at issue, we find that the question of whether the statute is unconstitutional is moot. *See I.J. v. State*, 178 N.E.3d 798 (Ind. 2022).

Being duly advised, the Court VACATES the trial court's injunction and REMANDS this case to the trial court to dismiss the case as moot.

Done at Indianapolis, Indiana, on 12/5/2024.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.