

# On The Front Lines

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## U.S. Supreme Court Rejects Appeal in Second Amendment Case, Refuses to Prohibit Police from Using Lawful Gun Ownership as a Trigger for ‘No-Knock’ Police Raids

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March 12, 2014

Documents

**[Click here to read a copy of the petition for discretionary review in \*Quinn v. State of Texas\*.](#)**

WASHINGTON, DC — The U.S. Supreme Court has refused to hear the case of a Texas man whose home was subject to a no-knock, SWAT-team style forceful entry and raid based solely on the suspicion that there were legally-owned firearms in his household. In denying a petition for certiorari in *Quinn v. Texas*, the Court let stand a lower court ruling that essentially makes lawful gun ownership and possession grounds for police to evade the protections afforded by the Fourth Amendment and improperly penalizes and limits the Second Amendment right to bear arms. The Rutherford Institute had asked the Court to weigh in on the case and protect Americans against encroachments on their Second Amendment rights.

“Whatever the issue might be, whether it’s mass surveillance, no-knock raids, or the right to freely express one’s views about the government, we’ve moved into a new age in which the rights of the citizenry are being treated as a secondary concern by the White House, Congress, the courts, and their vast holding of employees, including law enforcement officials,” said John W. Whitehead, president of The Rutherford Institute and author of *A Government of Wolves: The Emerging American Police State*. “The disconnect, of course, is that the Constitution establishes a far different scenario in which government officials, including the police, are accountable to ‘we the people.’ For it to be otherwise, for government concerns to trump individual freedoms, with government officials routinely sidestepping the Constitution and reinterpreting the law to their own purposes, makes a mockery of everything this nation is supposed to stand for—self-government, justice, and the rule of law.”

In August 2006, Collin County (Texas) police obtained a warrant to search John Quinn’s home based on information that Quinn’s son might be in possession of controlled substances. The warrant did not authorize police to enter the residence without knocking and announcing their entry. Nevertheless, based solely on the suspicion that there were firearms in the Quinn household, the SWAT team forcibly broke into Quinn’s home after he had gone to bed and proceeded to carry out a search of the premises. During the raid, Quinn was shot by police,

who panicked and opened fire on him through a solid wood door. Quinn had been reaching for his lawfully owned firearm, thinking that his home was being invaded by criminals. The raid resulted in police finding less than one gram of cocaine, which Quinn was charged with possessing.

Lower courts rejected Quinn's objection to the "no-knock" entry on the grounds that because police had information that guns were present at the residence, they were justified in making a forced and unannounced invasion into Quinn's home. Although established Fourth Amendment jurisprudence dictates that police officers entering a dwelling must knock on the door and announce their identity and purpose before attempting a forcible entry, police may disregard the knock and announce rule under circumstances presenting a threat of physical violence or a danger that evidence will be destroyed.

In their petition to the U.S. Supreme Court, Rutherford Institute attorneys argued that in the absence of any evidence of actual danger to police, the legal possession of a firearm, as guaranteed by the Second Amendment, is not sufficient to justify allowing police to override the Fourth Amendment's protection against unannounced "no-knock" home invasions when executing warrants.

Affiliate attorney James A. Pikel of Scheef & Stone, LLP, in Frisco, Texas, assisted the Institute in defending the rights of Quinn.

## Case History

**12/19/2013 • Rutherford Institute Asks U.S. Supreme Court to Ensure that Lawful Gun Ownership Is Not a Trigger for 'No-Knock' Police Raids**

**06/18/2013 • Citing 2nd & 4th Amendments, Rutherford Institute Asks Texas Appeals Court to Ensure that Lawful Gun Ownership Is Not a Trigger for 'No-Knock' Police Raids**

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