



Commonwealth of Virginia
Office of the Commonwealth's Attorney
County of Powhatan

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May 19, 2026

Sheriff Bradford W. Nunnally
3880 Old Buckingham Road
Suite A
Powhatan, VA 23139

In Re: Assault Weapons Ban, Magazine Ban and Public Carry Ban

Dear Sheriff Nunnally,

Please be advised that it is my opinion that significant parts of House Bill 217 - specifically, bans of so-called assault firearms, large capacity ammunition feeding devices and the carrying of these items in public - are facially unconstitutional. The United States Supreme Court has ruled that the Second Amendment of the United States Constitution protects an individual's right to possess arms that are in common use for lawful purposes. *District of Columbia v. Heller*, 554 U.S. 570 (2008). Furthermore, the Court ruled in *New York Rifle & Pistol Ass'n Inc. v Bruen*, 597 U.S. 1 (2022) that any restrictions on firearms must be consistent with "the Nation's historical traditions of firearms regulation," and that "American governments simply have not broadly prohibited the public carry of commonly used firearms for personal defense."

As you know, House Bill 217 was recently approved by the Governor and is due to take effect on July 1, 2026. The provisions mentioned above place both my office and yours in an untenable position; we can either honor our oath to preserve the Constitution, or enforce statutes which are clearly unconstitutional.

Accordingly, my office will decline prosecution of criminal cases arising from violations of these sweeping bans until a court of competent jurisdiction rules on their legality. Of course, our offices will continue to work together closely to prosecute both the criminal use of firearms, and the unlawful possession of arms by those who have otherwise been deprived of their right to possess firearms. Please contact me should you have questions or concerns about this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Cerullo', with a long horizontal flourish extending to the right.

Robert Cerullo
Commonwealth's Attorney