

 **AMHERST COUNTY COMMONWEALTH'S ATTORNEY'S OFFICE**

W. Lyle Carver  
**Commonwealth's Attorney**

P.O. Box 358  
Amherst, VA 24521  
Phone: 434-946-9316  
Fax: 434-946-9306

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Open Letter to Amherst County Residents  
For Immediate Release

**RE: Amherst County Commonwealth's Attorney Will Not Prosecute  
Violations of New Gun Laws until Courts rule on Constitutionality**

Dear Citizens of Amherst County:

It is my opinion that the Second Amendment of the U.S. Constitution is not complicated. "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."<sup>1</sup> The new gun laws discussed herein violate the U.S. Constitution and Constitution of Virginia. I will not prosecute violations of these new laws.

As Commonwealth's Attorney ("CA"), I do not generally offer advisory opinions. My job is to prosecute criminal cases arising in Amherst County. However, I have been asked repeatedly about the new gun laws ("assault weapon sale ban" and "public carry ban") that were passed by the Virginia General Assembly this year. I was optimistic that our Governor would not sign something infringing on Constitutional rights. Unfortunately, the General Assembly of Virginia passed both SB 749/HB 217 and SB 727/HB 1524 and they were signed into law by Governor Spanberger over the last few weeks. These new laws will take effect on July 1, 2026.

A growing number of my esteemed colleagues have already publicly taken a position that these new laws are (or likely are) unconstitutional and I want to make my position clear. First, I cannot declare the new laws unconstitutional because I am not a member of the judicial branch of government. However, it is my opinion that these laws are unconstitutional, and I anticipate that the Courts will correct this overreach from the Virginia General Assembly and Governor.<sup>2</sup>

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<sup>1</sup> See also Article I Section 13 of the Constitution of Virginia.

<sup>2</sup> See *U.S. v. Miller*, 307 U.S. 174 (1939); *District of Columbia v. Heller*, 554 U.S. 570 (2008); and *New York State Rifle & Pistol Ass'n Inc. v. Bruen*, 597 U.S. 1 (2022) for the clear affirmation of our Second Amendment rights to keep and bear arms.

Commonwealth's Attorneys are part of the executive branch and so my job is to enforce our laws.<sup>3</sup> Within Amherst County, I will continue to enforce Constitutional Laws as I have done since I began my career as a prosecutor in 2008. I have sworn to uphold the Constitution, and I will exercise my prosecutorial discretion and not prosecute any violations of the new laws cited herein until the issue has been resolved by the Courts. I will not prosecute otherwise innocent gun owners for violating a law that appears to be unconstitutional. Under these new laws, a citizen who lawfully buys or carries these firearms on June 30, 2026, would become a criminal for the identical conduct on July 1, 2026. Not in Amherst County! We will let the courts decide. It is my understanding that legal challenges have already been filed so the courts should remedy this situation soon.<sup>4</sup>

We will continue to prosecute criminal behavior with firearms as well as pursue sentencing related enhancements for possession or use of a firearm while committing crimes. We will decline prosecution for violations of the new "assault weapon sale ban" and "public carry ban" because they appear to be in violation of the U.S. Constitution and Constitution of Virginia. We will not make criminals out of legal gun owners.

I don't want this to be confused with the actions taken by some of my "progressive" colleagues in the past. At various points during my almost 11 years as your elected Commonwealth's Attorney some of my fellow CAs chose not to prosecute crimes they disagreed with (most often these were marijuana laws). The marijuana laws were valid laws at the time. As the Executive Branch, it is my job to enforce our laws. In my view it was inappropriate for those CAs to choose which laws to enforce. Here, I fully expect these new firearm laws to be ruled unconstitutional. I will not prosecute someone for exercising their Second Amendment right to "keep and bear Arms." This is more like prosecuting a person we believe to be innocent, which a prosecutor should never do.

I will continue to enforce our laws to the best of my ability as I have done for the last 18 years as a prosecutor in Amherst County. I look forward to the Courts invalidating these new laws and once again clarifying the importance of our Constitutional rights.

Sincerely,



W. Lyle Carver

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<sup>3</sup> See *Hicks v. Commonwealth*, 33 Va. App. 561 (2000) for a discussion of prosecutorial discretion and affirmation that Commonwealth's Attorneys are part of the executive branch of government.

<sup>4</sup> *McDonald v. Katz*, No. 1:26-cv-01305 (E.D. Va.); *Crump v. Katz*, No. CL26-201 (Lancaster County Circuit Court); *Santolla v. Katz*, No. CL26-1139 (Washington County Circuit Court); *Curtis v. Katz*, No. CL26-2454 (Spotsylvania County Circuit Court); and *Black v. Hook*, No. CL26-241 (Fauquier County Circuit Court).