

**17-778 QUARLES V. UNITED STATES**

DECISION BELOW: 850 F. 3d 836

LOWER COURT CASE NUMBER: 16-1690

**QUESTION PRESENTED:**

The Armed Career Criminal Act, 18 U.S.C. § 924(e), imposes a mandatory fifteen-year prison term upon any convicted felon who unlawfully possesses a firearm and who has three or more prior convictions for any "violent felony or \* \* \* serious drug offense." The definition of a "violent felony" includes a burglary conviction that is punishable by imprisonment for a term exceeding one year. See § 924(e)(2)(B)(ii). In *Taylor v. United States*, 495 U.S. 575 (1990), this Court held that § 924(e) uses the term "burglary" in its generic sense, to cover any crime "having the basic elements of unlawful or unprivileged entry into, or remaining in, a building or structure, with intent to commit a crime." *Id.* at 598- 599.

The question presented is:

Whether (as two circuits hold) *Taylor's* definition of generic burglary requires proof that intent to commit a crime was present at the time of unlawful entry or first unlawful remaining, or whether (as the court below and three other circuits hold) it is enough that the defendant formed the intent to commit a crime at any time while "remaining in" the building or structure.

CERT. GRANTED 1/11/2019