

NO: 17-5239

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

RODNEY RAZZ
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

SUPPLEMENTAL BRIEF

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TABLE OF AUTHORITIES

CASES:

Stokeling v. United States,

S. Ct. No. 17-5554, 2018 WL 1568030 (April 2, 2018) 1-2

STATUTORY AND OTHER AUTHORITY:

18 U.S.C. § 924(e)(2)(B)(i) 1

SUPPLEMENTAL BRIEF

Mr. Razz gives notice that this Court's grant of the petition for writ of certiorari in *Stokeling v. United States*, S. Ct. No. 17-5554, 2018 WL 1568030 (April 2, 2018), involves the same issues that are raised in Mr. Razz's petition for writ of certiorari.

In *Stokeling*, this Court took the following issue:

QUESTION PRESENTED: Is a state robbery offense that includes "as an element" the common law requirement of overcoming "victim resistance" categorically a "violent felony" under the only remaining definition of that term in the Armed Career Criminal Act, 18 U.S.C. § 924(e)(2)(B)(i) (an offense that "has as an element the use, attempted use, or threatened use of physical force against the person of another"), if the offense has been specifically interpreted by state appellate courts to require only slight force to overcome resistance?

The *Stokeling* case is directly applicable to Mr. Razz' case as it involves an analysis of the Florida robbery statute and whether a conviction under that statute can qualify as an ACCA predicate. The court below found that Mr. Razz had a predicate conviction of Florida armed robbery. However, this conviction may fail as a predicate pursuant to *Stokeling*.

In light of the above, Mr. Razz requests that this Court hold his case pending the resolution of *Stokeling*. If this Court determines that the Florida robbery statute does not qualify as an ACCA predicate pursuant to the question presented above, then Mr. Razz requests that his petition be granted, and that his sentence be vacated and remanded for resentencing without the ACCA enhancement.

CONCLUSION

The Court should hold Mr. Razz's petition pending the disposition of *Stokeling*. If the *Stokeling* case determines that Florida robbery is not an ACCA predicate, then Mr. Razz requests his case be remanded for resentencing without the ACCA enhancement.

Respectfully submitted,

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By: _____



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May 9, 2018