

No. 18-5232

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IN THE SUPREME COURT OF THE UNITED STATES

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CHARLES LYNCH PETTIS, PETITIONER

v.

UNITED STATES OF AMERICA

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends that the court of appeals erred in determining that his prior convictions for robbery, in violation of Minnesota law, were convictions for "violent felon[ies]" under the elements clause of the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e)(2)(B)(i). Petitioner argues (Pet. 16-17) that Minnesota robbery may be committed by using force sufficient to overcome resistance and that such an offense does not "ha[ve] as an element the use, attempted use, or threatened use of physical force against the person of another." 18 U.S.C. 924(e)(2)(B)(i). The question petitioner presents is related to the issue currently before this Court in Stokeling v. United

States, cert. granted, No. 17-5554 (Apr. 2, 2018), which will address whether a defendant's prior conviction for robbery under Florida law satisfies the ACCA's elements clause. Because the proper disposition of the petition for a writ of certiorari may be affected by this Court's resolution of Stokeling, the petition should be held pending the decision in Stokeling and then disposed of as appropriate in light of that decision.\*

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General  
Counsel of Record

SEPTEMBER 2018

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\* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.