

No. 18-6369

IN THE SUPREME COURT OF THE UNITED STATES

LASHON BROWNING, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 8-15) that the court of appeals erred in determining that his prior convictions for armed robbery, in violation of Illinois 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 appears to argue that Illinois robbery may be committed by using force sufficient to overcome resistance, see, e.g., Pet. 9, 12-13, and that an offense that may be committed in that manner 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). This Court appears to be holding other petitions

for writs of certiorari raising the issue of whether Illinois robbery qualifies as a "violent felony" under the ACCA pending this Court's disposition of Stokeling v. United States, No. 17-5554 (argued Oct. 9, 2018), which will address whether a defendant's prior conviction for robbery under Florida law satisfies the ACCA's elements clause. See Klikno v. United States, No. 17-5018 (filed June 22, 2017); Van Sach v. United States, No. 17-8740 (filed Apr. 26, 2018); Shields v. United States, No. 17-9399 (filed June 12, 2018). The Court should follow the same course here.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

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