

No. 18-7721

IN THE SUPREME COURT OF THE UNITED STATES

LARON DARRELL CARTER, AKA BIRDD, AKA GARDENA PIMPIN BIRD, AKA
GARR BIRDD, AKA PI BIRDD, AKA PI PIMPIN BIRDD, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Following a jury trial, petitioner was convicted on fourteen counts, including, as relevant here, one count of sex trafficking of a child by force, fraud, or coercion, in violation of 18 U.S.C. 1591(a)(1) (Supp. IV 2010), 18 U.S.C. 1591(a)(2) (2006 & Supp. IV 2010), 18 U.S.C. 1591(b)(1) (Supp. IV 2010) (Count 11); and one count of transporting a child in interstate commerce to engage in prostitution, in violation of 18 U.S.C. 2423(a) (Count 12). Judgment 1. The court of appeals vacated petitioner's convictions on two other counts, Pet. App. 2, and petitioner's retrial on those

counts is currently scheduled for July 2019, D. Ct. Doc. 306, at 2 (Mar. 22, 2019).

Petitioner contends (Pet. 2-4) that the Double Jeopardy Clause barred his prosecution on Counts 11 and 12 because he had previously been convicted in Nevada state court of "pandering," Presentence Investigation Report ¶ 127, based on the same underlying conduct. The court of appeals rejected that contention based on the long-held understanding that the Double Jeopardy Clause does not prohibit successive prosecutions by separate sovereign governments. Pet. App. 2. This Court granted a writ of certiorari in Gamble v. United States, No. 17-646 (argued Dec. 6, 2018), to consider whether to overturn that understanding and reinterpret the Double Jeopardy Clause. Because the Court's decision in Gamble may affect the proper disposition of the petition for a writ of certiorari, the petition in this case should be held pending the decision in Gamble and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

APRIL 2019

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