

No. 18-8941

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IN THE  
SUPREME COURT OF THE UNITED STATES

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SHELDON JACKSON,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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

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REPLY TO GOVERNMENT'S MEMORANDUM IN OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI

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## ARGUMENT

Mr. Jackson raised two arguments in his petition for a writ of certiorari. First, he argued that Florida's crime of resisting an officer with violence, Fla. Stat. § 843.01, does not constitute a "violent felony" for purposes of the Armed Career Criminal Act (ACCA). Pet. 4-12. Mr. Jackson pointed out that there was a circuit split on the issue, with the Eleventh Circuit holding that the Florida crime was a violent felony and the Tenth Circuit holding it was not a violent felony. Pet. 4-8; *compare United States v. Lee*, 701 F. App'x 697 (10th Cir. 2017), *with United States v. Hill*, 799 F.3d 1318 (11th Cir. 2015). He urged this Court to grant certiorari to resolve the circuit conflict. Pet. 9.

Mr. Jackson also argued that his prior convictions for possession with intent to sell cocaine, Fla. Stat. § 893.13, did not constitute "serious drug offenses" for ACCA purposes because Florida passed a law in 2002, Fla. Stat. § 893.101, that eliminated the need to prove a defendant's "knowledge of the illicit nature of a controlled substance" as an element of the crime. Pet. 12-13.

In response, the government correctly points out that Mr. Jackson's prior drug convictions under § 893.13 were from 1995 and 1996, and thus are unaffected by the passage of the 2002 law eliminating *mens rea* as an element of a § 893.13 offense. The government, however, never addresses the circuit split or other arguments about whether resisting an officer with violence constitutes a "violent felony" under the ACCA. Certiorari should be granted to resolve this split.

## CONCLUSION

For the foregoing reasons as well as those stated in the Petition, certiorari should be granted.

Respectfully submitted,

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