



OFFICE OF THE FEDERAL PUBLIC DEFENDER MIDDLE DISTRICT OF PENNSYLVANIA

100 Chestnut Street, Suite 306
Harrisburg, Pennsylvania 17101-2540
Tel.: (717) 782-2237 Fax: (717) 782-3881
pam.fd.org

Federal Public Defender
HEIDI R. FREESE

First Assistant Federal Public Defender
RONALD A. KRAUSS

Chief, Trial Unit
LORI J. ULRICH

Chief, Appellate Unit
FREDERICK W. ULRICH

*Scranton Office
+Williamsport Office

Senior Litigator
THOMAS A. THORNTON

Assistant Federal Public Defenders
LEO A. LATELLA*
MONICA D. CLIATT
ARI D. WEITZMAN
ELLIOT A. SMITH*
QUIN M. SORENSEN
GERALD A. LORD+
BRANDON R. REISH*
Staff Attorney
TAMMY L. TAYLOR+

July 10, 2019

Supreme Court of the United States
Office of the Clerk – Scott S. Harris
One First Street, NE
Washington, DC 20543

Re: Daniel Rodriguez, Julio Rivera-Lopez, Kristian Torres v. United States of America
No. 18-9266

Dear Mr. Harris:

In light of the Court's opinion in *United States v. Davis*, No. 18-431, issued June 24, 2019, the above petitioners respectfully request that the Court grant their petition for writ of *certiorari*, vacate the order of the United States Court of Appeals for the Third Circuit and remand to that court for further proceedings. Petitioners were convicted of conspiring to commit Hobbs Act robbery and conspiring to possess a firearm in furtherance of crimes of violence (the conspiracy to commit Hobbs Act robbery). The district court held that their offenses did not satisfy the definition of a crime of violence under the elements clause in 18 U.S.C. § 924(c)(3)(A), but that they did satisfy the definition in the residual clause of Section 924(c)(3)(B). Because the Court in *Davis* concluded that the Section 924(c)(3)(B) is unconstitutionally vague, the petitioners respectfully request that their petitions be granted, the Third Circuit's judgment vacated, and the cases remanded to that court for further proceedings.

Sincerely,

/s/ Frederick W. Ulrich
Frederick W. Ulrich
Assistant Federal Public Defender

cc: Noel J. Francisco, Solicitor General of the United States

SCRANTON OFFICE
201 Lackawanna Ave., Suite 317
Scranton, Pennsylvania 18503-1953
Tel.: (570) 343-6285
Fax: (570) 343-6225

WILLIAMSPORT OFFICE
330 Pine Street, Suite 302
Williamsport, Pennsylvania 17701
Tel.: (570) 323-9314
Fax: (570) 323-9836