

No. 18-9707

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IN THE SUPREME COURT OF THE UNITED STATES

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BLAIR COOK, 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 SEVENTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 25-26) that his conviction for possessing a firearm as an unlawful user of a controlled substance, in violation of 18 U.S.C. 922(g)(3) and 924(a)(2), is infirm because the courts below did not recognize that knowledge of status is an element of that offense. In Rehaif v. United States, 139 S. Ct. 2191 (2019), this Court held that the mens rea of knowledge under Sections 922(g) and 924(a)(2) applies “both to the defendant’s conduct and to the defendant’s status.” Id. at 2194. Accordingly, the appropriate course is to grant the petition for

a writ of certiorari, vacate the decision below, and remand the case for further consideration in light of Rehaif.\*

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

AUGUST 2019

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