

No. 19-5572

IN THE SUPREME COURT OF THE UNITED STATES

RICKIE MARKIECE ATKINSON, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 13-19) that his conviction for possessing a firearm and ammunition as a felon, in violation of 18 U.S.C. 922(g)(1) and 924(e)(1), 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 for that crime 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

SEPTEMBER 2019

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