

No. 19-5652

IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY WAYNE BETTCHER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

PETITIONER'S SUPPLEMENTAL AUTHORITY

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TABLE OF CONTENT

The petition for a writ of certiorari filed in this case asks whether a crime that can be committed recklessly qualifies categorically as a “crime of violence” under the “force clause” of USSG §4B1.2. This question is controlled by this Court’s recent decision in *Borden v. United States*, 19-5410, which held that such crimes do not qualify categorically as violent felonies under the identical language in the Armed Career Criminal Act (ACCA). 18 U.S.C. § 924(e). This court should reverse and remand pursuant to *Borden*.

Respectfully submitted,

SCOTT KEITH WILSON
FEDERAL PUBLIC DEFENDER

/s/ Benjamin C. McMurray
Assistant Federal Public Defender,
District of Utah
Counsel of Record for Petitioner
46 W Broadway Ste, 110
Salt Lake City, UT 84101

Salt Lake City, Utah
June 14, 2021

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2019

ANTHONY WANYE BETTCHER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

AFFIDAVIT OF SERVICE

Benjamin C. McMurray, Assistant Federal Public Defender for the District of Utah, hereby attests that pursuant to Supreme Court Rule 29, the preceding Supplemental Authority in Support of Petition for Writ of Certiorari to the United States Court of Appeals was served on counsel for the Respondent by enclosing a copy of these documents in an envelope, first-class postage prepaid or by delivery to a third party commercial carrier for delivery within 3 calendar days, and addressed to:

Elizabeth Prelogar
Solicitor General of the United States
Room 5614
Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530-001

It is further attested that the envelope was deposited with the UPS on June 14, 2021, and all parties required to be served have been served.

/S/ Benjamin C. McMurray
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District of Utah
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AFFIDAVIT OF MAILING

Benjamin C. McMurray, Assistant Federal Public Defender for the District of Utah, hereby attests that pursuant to Supreme Court Rule 29, the preceding Supplement in Support of Petition for Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit was served on counsel for the Respondent by enclosing a copy of these documents in an envelope, first-class postage prepaid or by delivery to a third party commercial carrier for delivery within 3 calendar days, and addressed to:

Clerk of Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

It is further attested that the envelope was deposited with the UPS on June 14, 2021,
and all parties required to be served have been served.

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