

No. 19-6016

IN THE SUPREME COURT OF THE UNITED STATES

DEVON CHANCE, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

NOEL J. FRANCISCO
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 19-6016

DEVON CHANCE, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 6-8) that the definition of “crime of violence” in 18 U.S.C. 924(c)(3)(B) is unconstitutionally vague. He further contends (Pet. 6-8) that his conviction under 18 U.S.C. 924(o) for conspiracy to use a firearm during and in relation to conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. 1951(a), should therefore be vacated. See Pet. App. 21a; Second Superseding Indictment 2. In United States v. Davis, 139 S. Ct. 2319 (2019), this Court held -- in the context of convictions likewise premised on treating conspiracy to commit Hobbs Act robbery as a “crime of violence” under Section 924(c)(3) -- that Section 924(c)(3)(B) is unconstitutionally vague. Id. at 2334,

2336. The petition for a writ of certiorari should accordingly be granted, the court of appeals' judgment should be vacated, and the case should be remanded for further consideration in light of Davis.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

OCTOBER 2019

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