

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

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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.