

No. 19-6370

IN THE SUPREME COURT OF THE UNITED STATES

TROY BENNETT, 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. 11-12) that his prior Florida convictions for possessing cocaine with intent to sell or deliver, in violation of Fla. Stat. § 893.13(1)(a) (2005 & 2010), do not qualify as "serious drug offense[s]" under the Armed Career Criminal Act of 1984, 18 U.S.C. 924(e) (2) (A) (ii). Specifically, petitioner argues (Pet. 3, 12) that only state drug offenses that categorically match the elements of a generic analogue satisfy Section 924(e) (2) (A) (ii), and that his Florida drug convictions do not match the generic analogue because the Florida drug statute does not contain a mens rea element with respect to the illicit nature of

the substances. This Court has granted review in Shular v. United States, No. 18-6662 (June 28, 2019), to address that issue. The petition for a writ of certiorari should therefore be held pending the decision in Shular and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

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