

No. 19-7071

IN THE SUPREME COURT OF THE UNITED STATES

JOSEPH A. WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 11-17) that the court of appeals erred in determining that his prior Indiana conviction for dealing in cocaine qualifies as a "serious drug offense" under the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e)(2)(A)(ii). Specifically, petitioner states (Pet. 12) that the Indiana drug statute, Ind. Code § 35-48-4-1(a) (2007), prohibits financing the manufacture or delivery of cocaine and asserts that such conduct does not "involv[e]" "manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance" under 18 U.S.C. 924(e)(2)(A)(ii). As the court of appeals observed,

however, petitioner did not object in the district court to his classification as an armed career criminal under 18 U.S.C. 924(e), and his contention that his prior conviction for dealing in cocaine does not constitute a "serious drug offense" under Section 924(e) (2) (A) is therefore reviewable only for plain error. Pet. App. 3. This Court recently denied review of another petition for a writ of certiorari in the same posture presenting a similar challenge to the ACCA classification of a conviction under the same Indiana drug statute, see Woods v. United States, No. 19-5491 (Nov. 12, 2019), and a petition presenting a similar question involving Indiana's methamphetamine statute, see Inghels v. United States, No. 19-6586 (Feb. 24, 2020). The same course is warranted here.

As petitioner notes (Pet. 11), this Court granted review in Shular v. United States, No. 18-6662 (Feb. 26, 2020), to decide whether a state drug offense must categorically match the elements of a "generic" analogue to qualify as a "serious drug offense" under Section 924(e) (2) (A) (ii). But the Court has now issued its decision in Shular, rejecting an interpretation of Section 924(e) (2) (A) (ii) that would "require that the state offense match certain generic offenses." Shular, slip op. 2; see id. at 6-11. The petition for a writ of certiorari should be denied.*

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

Respectfully submitted.

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