



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

March 10, 2020

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: United States v. Riley Briones, Jr., No. 19-720

Dear Mr. Harris:

The government filed a petition for a writ of certiorari in the above-captioned case on December 6, 2019. Following this Court’s decisions in *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), the district court in this case sentenced respondent to a discretionary life-without-parole sentence for the first-degree felony murder of a restaurant employee 23 days before his eighteenth birthday. Pet. App. 65a-67a. The en banc court of appeals invalidated that sentence, viewing “*Miller*’s central inquiry” to require “determining whether a defendant is permanently incorrigible,” and concluding that the district court had not “meaningfully engaged” in that inquiry. *Id.* at 15a-16a (emphasis omitted). Because the en banc court of appeals’ decision turned on its view of *Miller*’s scope, and because the proper scope of *Miller* was before this Court in *Mathena v. Malvo*, No. 18-217, the government asked this Court to hold the petition for a writ of certiorari in this case pending its decision in *Malvo* and then dispose of the petition as appropriate in light of that decision. Pet. 9.

On February 26, 2020, this Court dismissed the petition for a writ of certiorari in *Malvo*, pursuant to a stipulation of dismissal filed by the parties in that case. On March 9, 2020, the Court granted the petition for a writ of certiorari in *Jones v. Mississippi*, No. 18-1259, which presents the question “[w]hether the Eighth Amendment requires the sentencing authority to make a finding that a juvenile is permanently incorrigible before imposing a sentence of life without parole.” Pet. at i, *Jones, supra* (No. 18-1259). That question, like the question presented in the government’s petition for a writ of certiorari in this case, concerns the proper scope of this Court’s decision in *Miller*. Accordingly, the Court should hold the petition in this case pending its decision in *Jones* and then dispose of the petition as appropriate in light of that decision.

Sincerely,

Noel J. Francisco
Solicitor General

cc: See Attached Service List

19-0720
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