

No. 19-7215

IN THE SUPREME COURT OF THE UNITED STATES

JERRY JABBARI RHODES, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 3-8) that the district court violated his Fifth and Sixth Amendment rights by considering conduct that the jury had not found beyond a reasonable doubt, but that the court found under a less exacting standard of proof, in calculating his advisory Sentencing Guidelines range. For the reasons stated in the government's brief in opposition to the petition for a writ of certiorari in Asaro v. United States, No. 19-107 (filed Nov. 12, 2019), petitioner's contention lacks merit and does not warrant further review. The Court recently denied the petitions for writs of certiorari in Asaro v. United States, No. 19-107 (Feb. 24, 2020), and several other cases raising similar

issues, e.g., Knight v. United States, No. 19-6265 (Feb. 24, 2020); Martinez v. United States, No. 19-5346 (Feb. 24, 2020); Michigan v. Beck, No. 19-564 (Feb. 24, 2020). The same result is warranted here.*

Respectfully submitted.

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