

LAW OFFICE OF PETER GOLDBERGER

50 Rittenhouse Place
Ardmore, PA 19003-2276

Of Counsel:
Anna M. Durbin

(610) 649-8200
FAX (610) 649-8362
E-mail peter.goldberger@verizon.net

Peter Goldberger
Pamela A. Wilk

April 15, 2020
Via electronic filing only

Scott S. Harris, Esq., Clerk
Supreme Court of the United States
One First Street, SE
Washington, DC 20530

Re: Rivera Carrasquillo et al. v. United States
No. 19-7879
Supplemental New Authority

Dear Mr. Harris:

This petition is pending following distribution for the Court's April 17, 2020, conference. In the petition, we contend that the decision of the First Circuit conflicts with that of other Circuits on the question of how to analyze whether a state law offense labeled "murder" satisfies the categorical definition of "murder" as used in certain federal criminal statutes, such as 18 U.S.C. § 1959(a), as implicated here both directly and for purposes of supporting convictions under 18 U.S.C. § 924(j). The petition makes a similar argument with respect to the 2004 Puerto Rico Penal Code's treatment of "murder," as used to establish a federal "crime of violence." In connection with those arguments, please call the Court's attention to the recent decision of the Second Circuit in *United States v. Scott*, — F.3d —, 2020 WL 1522825 (2d Cir. March 31, 2020), in which a divided panel of that court held that first degree manslaughter under New York law satisfied neither the generic definition of "manslaughter" as used in federal criminal statutes nor this Court's criteria for a "crime of violence." The division within that panel, as well as the Second Circuit majority's conflict with the result in petitioners' case, underscores the need to grant the writ in this case.

Thank you for calling this development to the Court's attention at your earliest opportunity.

Respectfully,


PETER GOLDBERGER
Counsel for the Petitioners

cc: Solicitor General