

No. 19-8414

IN THE
Supreme Court of the United States

ASHFORD JAMES SIMMONS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

SUPPLEMENTAL BRIEF IN SUPPORT
OF PETITION FOR WRIT OF CERTIORARI

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for the District of South Carolina

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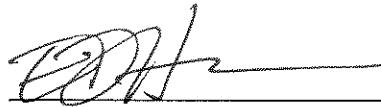
Pursuant to Supreme Court Rule 15.8, comes now Petitioner, Ashford James Simmons (Mr. Simmons), and files this Supplemental Brief in support of his petition for writ of certiorari. Mr. Simmons calls this Court's attention to its order issued in *United States v. Furlow*, 19-7007, 588 U.S. __, __ S. Ct. __, 2020 WL 2814768 (U.S. June 1, 2020). This order was not available at the time of Mr. Simmons' last filing, and has a direct impact on Mr. Simmons' petition for writ of certiorari. Based on this Court's decision in *Furlow*, Mr. Simmons' petition should be granted, the judgment of the Fourth Circuit Court of Appeals vacated, and this matter remanded to that court for further proceedings.

On June 1, 2020, this Court, without argument, granted Petitioner Furlow's petition for writ of certiorari, vacated the judgment of the Fourth Circuit Court of Appeals, and remanded Mr. Furlow's case to that court for further proceedings. *See Furlow v. United States*, No. 19-7007, 590 U.S. __, __ S. Ct. __, 2020 WL 2814768 (U.S. June 1, 2020). In Mr. Simmons' case, the Fourth Circuit based its decision in large part on the published decision of *Furlow*. As this Court's action leaves no judgment in the *Furlow* case upon which the Fourth Circuit could base its decision in Mr. Simmons case, this Court should grant Mr. Simmons' petition, vacate the judgment, and remand Simmons' case to the Court of Appeals for further proceedings.

CONCLUSION

Based on this Court's decision on the petition for writ of certiorari in *Furlow v. United States*, 19-7007, 590 U.S. __, __ S. Ct. __, 2020 WL 2814768 (U.S. June 1, 2020), Mr. Simmons' petition for writ of certiorari should be granted, the judgment of the Fourth Circuit Court of Appeals vacated, and this matter remanded to that court for further proceedings.

Respectfully submitted,



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June 4, 2020