

No. 20-5588

IN THE SUPREME COURT OF THE UNITED STATES

JOSHUA WALLACE, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 7, 14-28) that the court of appeals erred in determining that his four prior convictions for burglary of a habitation or building, in violation of Texas Penal Code Annotated § 30.02(a) (West 1994), are “burglar[ies]” under the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e) (2) (B) (ii). For the reasons explained on pages 11 to 16 of the government’s brief in opposition to the petition for a writ of certiorari in Herrold v. United States, No. 19-7731 (Apr. 24, 2020), a copy of which is being served on petitioner, those contentions lack merit and do not warrant this Court’s review. As

petitioner acknowledges (Pet. 27), the petition in Herrold “raise[d] the[] same issues on ACCA and Texas burglary” as the petition here. This Court recently denied certiorari in Herrold. See supra, No. 19-7731 (Oct. 5, 2020). The same result is warranted here.*

Respectfully submitted.

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