

**FEDERAL DEFENDER SERVICES
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December 11, 2020

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

Re: *Gilliam v. United States*, No. 20-6306

Dear Mr. Harris:

This letter is to update the Court regarding a development relevant to Mr. Gilliam's pending petition for certiorari. Mr. Gilliam here asks the Court to either grant review in his case or hold his petition pending the Court's review in another case, *Yerkes v. United States*. *Yerkes* is a direct appeal addressing the same broad issue presented here—whether a state statute that defines burglary in a way that is broader than how the majority of states and the common law defined burglary in 1986 qualifies as “generic burglary” under the Armed Career Criminal Act, 18 U.S.C. § 924(e). A decision in favor of the petitioner in *Yerkes* would require remand in Mr. Gilliam's case as well.

At the time the petition for certiorari was filed in this case, Mr. Yerkes had not yet filed his petition. It has since been filed and is docketed as case number 20-6450.

Mr. Gilliam respectfully requests that this letter be circulated to the Court ahead of its conference in this case scheduled for January 8, 2021.

Sincerely,

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

By: s/ Erin Rust
Erin Rust
Assistant Federal Defender

cc: Jeffrey B. Wall, Esq. (by U.S. Mail)