

No. 20-7137

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IN THE SUPREME COURT OF THE UNITED STATES

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JERALD DEAN GODWIN, PETITIONER

v.

UNITED STATES OF AMERICA

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

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 16-29) that bank robbery, in violation of 18 U.S.C. 2113(a), does not qualify as a "crime of violence" within the meaning of 18 U.S.C. 924(c) (3) (A). The district court correctly rejected that contention, and the court of appeals appropriately granted the government's motion for summary affirmance.

A conviction for bank robbery requires proof that the defendant took or attempted to take money from the custody or control of a bank "by force and violence, or by intimidation," 18 U.S.C. 2113(a). For the reasons explained in the government's

brief in opposition to the petition for a writ of certiorari in Johnson v. United States, No. 19-7079 (Apr. 24, 2020), bank robbery qualifies as a crime of violence under Section 924(c) because it "has as an element the use, attempted use, or threatened use of physical force against the person or property of another," 18 U.S.C. 924(c) (3) (A). See Br. in Opp. at 7-25, Johnson, supra (No. 19-7079).<sup>1</sup>

Petitioner contends (Pet. 24-25) that bank robbery does not qualify as a crime of violence under Section 924(c) (3) (A), asserting that robbery "by intimidation" does not require a threat of violent force, see Pet. 28-29; and that the bank-robbery statute includes nonviolent intimidation and extortion as indivisible means of committing the offense, see Pet. 16-27. Those contentions lack merit for the reasons explained at pages 9 to 25 of the government's brief in opposition in Johnson, supra (No. 19-7079). Every court of appeals with criminal jurisdiction, including the court below, has recognized that Section 924(c) (3) (A) and similarly worded provisions encompass the federal offenses of bank robbery or armed bank robbery. See id. at 7-8. This Court has recently and repeatedly denied petitions for a writ of certiorari challenging the circuits' consensus on that issue, see id. at 8-9 & n.1, and the same result is warranted here.

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<sup>1</sup> We have served petitioner with a copy of the government's brief in opposition in Johnson, which is also available on this Court's online docket.

The petition for a writ of certiorari should be denied.<sup>2</sup>

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Acting Solicitor General

APRIL 2021

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<sup>2</sup> The government waives any further response to the petition unless this Court requests otherwise.