

No. 20-7223

IN THE SUPREME COURT OF THE UNITED STATES

ANGELO C. DOUGLAS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 5-6) 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 declined to issue a certificate of appealability.

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).¹

Petitioner contends (Pet. 5-6) that bank robbery does not qualify as a crime of violence under Section 924(c) (3) (A), asserting that federal bank robbery is not a specific-intent crime because it includes larceny, see Pet. 5; that the bank-robbery statute includes nonviolent intimidation and extortion as indivisible means of committing the offense, see ibid.; and that robbery "by intimidation" does not require the use, attempted use, or threatened use of violent force, see id. at 5-6. 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 repeatedly denied petitions for a writ of certiorari

¹ 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.

challenging the circuits' consensus on that issue, see id. at 8-9 & n.1, and the same result is warranted here.

The petition for a writ of certiorari should be denied.²

Respectfully submitted.

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