

No. 20-7972

IN THE SUPREME COURT OF THE UNITED STATES

GREGORY L. ROBERSON, CHARLES MATTHEWS, and
DOROTHY ROBINSON, PETITIONERS

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioners contend (Pet. 7-12) that a conviction for distributing an unspecified amount of cocaine base (crack cocaine), in violation of 21 U.S.C. 841(a)(1) and (b)(1)(C), is a conviction for a “covered offense” as defined in the First Step Act of 2018 (First Step Act), Pub. L. No. 115-391, § 404(a), 132 Stat. 5222, such that they would be eligible for a discretionary sentence reduction under Section 404 of the Act. This Court rejected that contention in Terry v. United States, No. 20-5904 (Jun. 14, 2021), which held that a crack-cocaine offense for which a defendant was sentenced under Section 841(b)(1)(C) before the

effective date of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372, is not a "covered offense" as defined in Section 404(a) of the First Step Act, 132 Stat. 5222. Terry, supra, slip op. 8. The petition for a writ of certiorari should therefore be denied.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Acting Solicitor General

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