

No. 21-6028

IN THE SUPREME COURT OF THE UNITED STATES

JOHNNY JASPER WILLIAMS, 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

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Petitioner contends (Pet. 5-8) that his prior conviction for robbery, in violation of Texas Penal Code Ann. § 29.02 (West 2003), does not qualify as a “crime of violence” under Sentencing Guidelines § 4B1.2(a), in light of this Court’s decision in Borden v. United States, 141 S. Ct. 1817 (2021). In Borden, this Court determined that Tennessee reckless aggravated assault, in violation of Tenn. Code Ann. § 39-13-102(a)(2) (2003), lacks a mens rea element sufficient to satisfy the definition of a “violent felony” under the Armed Career Criminal Act of 1984, 18 U.S.C. 924(e)(2)(B)(i). The appropriate course is to grant the petition

for a writ of certiorari, vacate the decision below, and remand the case for further consideration in light of Borden.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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