

No. 21-6289

IN THE SUPREME COURT OF THE UNITED STATES

NORRIS DESHON ANDREWS, 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

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Petitioner claims (Pet. 3-7) that the Sixth Amendment prohibited the district court from determining that prior offenses were “committed on occasions different from one another,” for purposes of the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e). The court of appeals correctly rejected that argument. Pet. App. A6. For the reasons set forth in the government’s brief in opposition to the petition for a writ of certiorari in Walker v. United States, 141 S. Ct. 1084 (2021) (No. 20-5578), a copy of which is being served on petitioner, no further review of that issue is warranted. This Court has repeatedly and recently denied

review of the same issue in other cases, see, e.g., Carter v. United States, -- S. Ct. --, 2022 WL 89422 (Jan. 10, 2022) (No. 21-5754); Urserly v. United States, 142 S. Ct. 132 (2021) (No. 20-7943); Tijwan v. United States, 141 S. Ct. 1449 (2021) (No. 20-6976); White v. United States, 141 S. Ct. 1121 (2021) (No. 20-6451); Walker v. United States, 141 S. Ct. 1084 (2021) (No. 20-5578); Wainwright v. United States, 141 S. Ct. 924 (2020) (No. 20-6084) -- and should follow the same course here.

Petitioner observes (Pet. 6-7) that in Wooden v. United States, No. 20-5279 (argued Oct. 4, 2021), this Court is considering the standard for determining whether crimes were "committed on occasions different from one another" for purposes of the ACCA. But unlike the petitioner in Wooden, who raises only a statutory-interpretation claim, see Pet. Br. I, Wooden, supra, petitioner here raises (Pet. 3-7) only the Sixth Amendment claim discussed above. This Court has previously declined to hold petitions for writs of certiorari raising a similar claim pending the outcome of Wooden, see Carter, supra (No. 21-5754); Urserly, supra (No. 20-7943), and should do the same here.*

Respectfully submitted.

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

ELIZABETH B. PRELOGAR
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