

IN THE
**SUPREME COURT
OF THE UNITED STATES**

SILAS LEE SNEED,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondents

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Third Circuit

REPLY BRIEF OF PETITIONER

HEIDI R. FREESE, ESQ.
Federal Public Defender
Middle District of Pennsylvania

FREDERICK W. ULRICH, ESQ.
Assistant Federal Public defender
Tammy L. Taylor, Esq.
Staff Attorney

Middle District of Pennsylvania
100 Chestnut Street, Suite 306
Harrisburg, Pennsylvania 17101
(717) 782-2237
fritz_ulrich@fd.org

Counsel for Petitioner

September 8, 2022

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
REPLY ARGUMENT.....	1
CONCLUSION	2

TABLE OF AUTHORITIES

Cases

<i>United States v. Taylor</i> , 142 S. Ct. 2105 (2022)	1
--	---

Statutes

18 U.S.C. § 1951(a)	1
18 U.S.C. § 924(c)	1
28 U.S.C. § 2255	1

REPLY ARGUMENT

The government opposes Silas Sneed’s petition for a writ of certiorari because the Third Circuit “explicitly observed” that the predicate crime of violence was a completed Hobbs Act robbery and that the indictment referenced “robbery affecting interstate or foreign commerce” in the Section 924(c) count. (Gov’t Mem. at 4). But the Third Circuit’s “observation” is inaccurate. And a review of the actual language in the indictment does not provide the clarity the government describes.

In denying the motion under 28 U.S.C. § 2255, the district court never concluded that the predicate crime was a completed Hobbs Act robbery. The district court found that “Sneed’s convictions—whether for completed or attempted Hobbs Act robbery—qualify categorically under the elements clause.” Pet. App. 7a-8a.

The indictment does not narrow the inquiry. It charged Mr. Sneed with carrying and using a firearm during a crime of violence “namely robbery affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 1951.” Indictment 5. Robbery in violation of that statute includes both completed and attempted robbery. *See* 18 U.S.C. § 1951(a) (“Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or *attempts* or conspires to do so . . .”) (emphasis added). The district court reviewed the “indictment, plea agreement, and judgment” and noted that “[i]t is clear that Sneed was charged with and convicted of completed and attempted Hobbs Act robbery[.]” Pet. App. 7a.

In light of *United States v. Taylor*, 142 S. Ct. 2105 (2022), a remand is appropriate.

CONCLUSION

For these reasons and those developed in the petition for a writ of certiorari, this Honorable Court should grant review.

Respectfully submitted,

HEIDI R. FREESE, ESQ.
Federal Public Defender
Middle District of Pennsylvania

/s/ Frederick W. Ulrich
FREDERICK W. ULRICH, ESQ.
Assistant Federal Public Defender

TAMMY L. TAYLOR, ESQ.
Staff Attorney

Middle District of Pennsylvania
100 Chestnut Street, Suite 306
Harrisburg, Pennsylvania 17101
(717) 782-2237
fritz_ulrich@fd.org

Counsel for Petitioner

September 8, 2022