

No. 22-7736

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IN THE SUPREME COURT OF THE UNITED STATES

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BRANDON ROSS WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

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

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 5-6, 9) that his two prior marijuana-related convictions under Arkansas law, Pet. App. 3a, do not qualify as "serious drug offense[s]" under the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e)(2)(A). Specifically, petitioner argues (Pet. 5-6, 9) that the classification of his prior state convictions as "serious drug offense[s]" under the ACCA should depend on the federal controlled-substance schedules in effect at the time of his federal sentencing, rather than at the time of his prior state crimes or federal offense conduct.

Petitioner requests (Pet. 9-10) that the Court hold his petition pending its decision in Brown v. United States, No. 22-6389 (cert. granted May 15, 2023), and Jackson v. United States, No. 22-6640 (cert. granted May 15, 2023), which present the question whether the classification of a prior state conviction as a "serious drug offense" under the ACCA depends on the federal controlled-substance schedules in effect at (1) the time of the defendant's prior state crime; (2) the time of the federal offense for which he is being sentenced; or (3) the time of his federal sentencing. The government agrees that the petition should be held pending the Court's decision in Brown and Jackson and then disposed of as appropriate.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General

JULY 2023

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