



## Federal Public Defender Western District of Missouri

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October 27, 2023

Honorable Scott S. Harris, Clerk  
Supreme Court of the United States  
Washington, DC 20543

Re: *Tyrone Robinson v. United States*  
No. 23-5782

Dear Mr. Harris:

Petitioner respectfully submits this supplemental letter to alert this Court that a pending petition for certiorari presents an indistinguishable question from the one presented in this case. *See Lewis v. United States*, 23-198, second question presented (meaning of the term “controlled substance” in the Sentencing Guidelines). Unlike in this case, the Solicitor General in *Lewis* did not file a waiver of right to respond, and its brief is currently due on November 6, 2023.

Petitioner brings this matter to this Court’s attention in the event it wishes to conference this case with *Lewis*. The Third Circuit’s opinion in *Lewis*, 58 F.4th 764 (2023), is a key decision analyzed in Mr. Robinson’s petition for certiorari.

It should also be noted that in *Lewis* the National Association for Public Defense recently filed an *amicus curiae* brief supporting the petition for certiorari. The reasons stated in the *amicus curiae* brief as to why the petition for certiorari should be granted in *Lewis*, *see* pg. 18-29, equally apply to Mr. Robinson’s petition for certiorari.

Finally, for the reasons discussed in the petition for certiorari, Mr. Robinson's case is an ideal vehicle to resolve this circuit split. However, if this Court decides that *Lewis* is the better vehicle, petitioner requests this Court hold the petition for certiorari until *Lewis* is decided.

Sincerely,  
s/ Daniel P. Goldberg  
Daniel P. Goldberg

DPG\ss

Service List:

Tyrone Robinson v. United States, No. 23-5782

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