

CASE NO. \_\_\_\_\_

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

October 2023 Term

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**ALLEN BROOKS, JR.**

*Petitioner,*

v.

**UNITED STATES OF AMERICA**

*Respondent.*

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On Petition for a Writ of Certiorari  
To the Eighth Circuit Court of Appeals

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APPENDIX TO  
PETITION FOR A WRIT OF CERTIORARI

1. *United States v. Allen Brooks, Jr.*, No. 23-1694  
Slip Opinion (8<sup>th</sup> Cir., October 18, 2023) ..... 1-2
2. *Allen Brooks, Jr. v. United States*, No. 23A648, Order granting  
application to file Petition by Mar. 16, 2024) ..... 3

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 23-1694

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United States of America

*Plaintiff - Appellee*

v.

Allen Brooks, Jr.

*Defendant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Missouri - Cape Girardeau

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Submitted: August 21, 2023

Filed: October 18, 2023

[Unpublished]

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Before GRUENDER, ERICKSON, and KOBES, Circuit Judges.

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PER CURIAM

Allen Brooks, Jr., was charged with violating the Sex Offender Registration and Notification Act ("SORNA"), 18 U.S.C. § 2250(a)(3), after he failed to notify local law enforcement in Missouri within three days of moving into the jurisdiction.

Brooks entered a conditional guilty plea, and the district court<sup>1</sup> sentenced him to 33 months' imprisonment, to be followed by a 20-year term of supervised release.

Prior to pleading guilty, Brooks moved to dismiss the indictment, arguing that (1) SORNA impermissibly delegates legislative authority to the Attorney General when it authorizes him to decide whether the statute applies to individuals convicted of a sex offense prior to its enactment; and, (2) SORNA is an improper exercise of Congress' Commerce Clause powers. See U.S. Const. Art. I, § 1 (Legislative Power Vested in Congress); id. at § 8, cl. 3 (Regulation of Commerce). Brooks concedes that his arguments are barred by existing precedent and the district court denied the motion. Brooks appeals raising the same grounds, which we review *de novo*. See United States v. Anderson, 771 F.3d 1064, 1066-67 (8th Cir. 2014) (we review *de novo* a defendant's challenge to the constitutionality of a statute and the denial of a motion to dismiss the indictment).

In Gundy v. United States, 588 U.S. \_\_\_, 139 S.Ct. 2116, 2129 (2019), a plurality of the Supreme Court held that SORNA's limited delegation of authority as applied to pre-Act offenders was not impermissible. See also United States v. Kuehl, 706 F.3d 917, 920 (8th Cir. 2013) ("We conclude that SORNA provides the Attorney General with an intelligible principle, and is a valid delegation of legislative authority."). In United States v. May, 535 F.3d 912, 921-22 (8th Cir. 2008), we held SORNA's criminal penalties are a valid exercise of the Commerce Clause. See also Anderson, 771 F.3d at 1069-71.

We are bound by these precedents, and we affirm.

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<sup>1</sup>The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.



Search documents in this case:

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**No. 23A648**

Title: **Allen Brooks, Jr., Applicant**  
**v.**  
**United States**

Docketed: January 12, 2024

Lower Ct: United States Court of Appeals for the Eighth Circuit

Case Numbers: (23-1694)

DATE	PROCEEDINGS AND ORDERS
Jan 12 2024	Application (23A648) to extend the time to file a petition for a writ of certiorari from January 16, 2024 to March 16, 2024, submitted to Justice Kavanaugh.  <b>Main Document      Lower Court Orders/Opinions      Proof of Service</b>
Jan 12 2024	Application (23A648) granted by Justice Kavanaugh extending the time to file until March 16, 2024.

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