

No. 24-5040

IN THE SUPREME COURT OF THE UNITED STATES

JUAN ALBERTO ORTIZ-ORELLANA, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

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Petitioner contends (Pet. 18-19) that Maryland first-degree murder in violation of Maryland Code Annotated, Criminal Law § 2-201(a), does not qualify as a “crime of violence” under 18 U.S.C. 924(c)(3) on the theory that the crime can be committed by an act of omission and therefore does not “ha[ve] as an element the use, attempted use, or threatened use of physical force against the person or property of another.” This Court granted certiorari in Delligatti v. United States, No. 23-825 (June 3, 2024), to consider whether that interpretation of Section 924(c)(3) is correct in the context of New York attempted murder, N.Y. Penal Law § 125.25(1).

Accordingly, the petition for a writ of certiorari should be held pending the Court's resolution of Delligatti, and then disposed of as appropriate in light of the decision in that case.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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