

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

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No. 24-5040

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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.