

Nos. 24-5243 and 24-5314

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IN THE SUPREME COURT OF THE UNITED STATES

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RYAN TAYBRON, ERIC NIXON, AND GEOVANNI DOUGLAS, PETITIONERS

v.

UNITED STATES OF AMERICA

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MARTIN L. HUNT AND XAVIER GREENE, PETITIONERS

v.

UNITED STATES OF AMERICA

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ON PETITIONS FOR WRITS OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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1. Petitioners contend (Taybron Pet. 5-8; Hunt Pet. 9-12) that Virginia murder in violation of Virginia Code Annotated § 18.2-32, and Virginia attempted murder in violation of Virginia Code Annotated §§ 18.2-32 and 18.2-26, do not qualify as "crime[s] of violence" under 18 U.S.C. 924(c)(3) on the theory that the crimes can be committed by an act of omission and therefore do 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 petitions for writs 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.

2. Petitioners Hunt and Greene separately contend (Pet. 5, 12) that because they received mandatory consecutive life sentences for their convictions under 18 U.S.C. 924(j) for murder through the use of a firearm, the Court should grant their petition, vacate the court of appeals' decision, and remand for further consideration in light of Lora v. United States, 599 U.S. 453 (2023). That contention does not warrant any relief in this Court.

As Hunt and Greene acknowledge (Pet. 12-13 n.10), this Court issued its decision in Lora nearly a year before their appeals were decided, and they did not ask the court of appeals for relief based on Lora. Furthermore, petitioners received numerous other life sentences on multiple counts apart from their Section 924(j) convictions, none of which is affected by Lora. See Greene Judgment 1-2 (Counts 1, 2, 6, 8); Hunt Judgement 1, 3 (Counts 1, 6, 8). Granting certiorari, vacating, and remanding for

consideration of Lora accordingly would not be an appropriate exercise of this Court's authority.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General

OCTOBER 2024

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\* The government waives any further response to the petitions for writs of certiorari unless this Court requests otherwise.