

APPENDIX

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APPENDIX A

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-11533

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD ALLEN HARRIS, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:21-cr-20525-JEM-1

Before WILSON, JILL PRYOR, and LUCK, Circuit Judges.

PER CURIAM:

Richard Allen Harris appeals his 180-month sentence, which was imposed after he pleaded guilty to being a felon in possession of a firearm. At sentencing, the district court enhanced Harris's sentence based on the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e). On appeal, Harris challenges the ACCA enhancement. After careful consideration, we affirm.

I.

During a traffic stop in 2021, an officer found Harris in possession of a firearm and ammunition. He later pleaded guilty to possessing a firearm and ammunition as a felon, in violation of 18 U.S.C. § 922(g)(1).

Before Harris's sentencing, the probation office prepared a presentence investigation report ("PSR"). The PSR applied an ACCA enhancement because Harris had three prior convictions for crimes that were violent felonies or serious drug offenses. It identified three Florida convictions as ACCA predicates: two convictions for aggravated assault for offenses committed in 2003 and 2015, and one conviction for delivery of cocaine for an offense committed in 2007.

Harris objected to the ACCA enhancement. He argued that under the categorical approach his aggravated assault convictions did not qualify as violent felonies and his cocaine conviction did not

qualify as a serious drug offense. The district court overruled his objection, concluding that each conviction qualified as a predicate felony for ACCA purposes. After applying the ACCA enhancement, the district court imposed a sentence of 180 months.

This is Harris's appeal.

II.

We review *de novo* whether a prior conviction qualifies as a violent felony or serious drug offense under the ACCA. *See United States v. Howard*, 742 F.3d 1334, 1341 (11th Cir. 2014).

III.

Under the ACCA, a defendant convicted of unlawful possession of a firearm by a convicted felon is subject to a mandatory-minimum sentence of fifteen years if he has “three previous convictions . . . for a violent felony or a serious drug offense.” 18 U.S.C. § 924(e)(1). The issues in this appeal are (1) whether Harris's Florida convictions for aggravated assault qualify as violent felonies and (2) whether his Florida conviction for delivering cocaine qualifies as a serious drug offense.

We begin by considering whether a conviction for Florida aggravated assault qualifies as a violent felony. The term “violent felony” means, among other things, “any crime punishable by imprisonment for a term exceeding one year . . . that . . . has as an element the use, attempted use, or threatened use of physical force against the person of another.” *Id.* § 924(e)(2)(B). We call this the “elements clause” of the ACCA’s “violent felony” definition. The

parties here agree that Florida aggravated assault qualifies as a violent felony only if it satisfies the elements clause.

“When determining whether a crime qualifies as a ‘violent felony’ for purposes of the ACCA, we use the so-called categorical approach,” meaning we look only at the statutory elements of the prior offense and not to the facts underlying that conviction. *United States v. Jones*, 906 F.3d 1325, 1327–28 (11th Cir. 2018). An offense is categorically a violent felony under the ACCA’s elements clause “if even the least culpable conduct criminalized by the statute would fall within the ACCA definition.” *Id.* at 1328 (internal quotation marks omitted).

Harris argues that a Florida conviction for aggravated assault does not categorically qualify as a violent felony because the offense “can be committed with a merely reckless mens rea.” Appellant’s Br. 24. This argument is foreclosed by precedent. After Harris submitted his brief in this appeal, we held that Florida aggravated assault cannot be committed recklessly and thus categorically qualifies as a violent felony under the elements clause of the ACCA. *Somers v. United States*, 66 F.4th 890, 895–96 (11th Cir. 2023). Accordingly, Harris’s aggravated assault convictions qualify as ACCA predicates.

We now turn to whether Harris’s cocaine conviction qualifies as a serious drug offense. The ACCA defines a “serious drug offense,” in relevant part, as “an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance.” 18 U.S.C.

§ 924(e)(2)(A)(ii). This provision incorporates the definition of controlled substance set forth in “section 102 of the Controlled Substances Act (21 U.S.C. § 802).” *Id.* Section 102 of the Controlled Substances Act defines a “controlled substance” as any substance on the federal controlled substances schedules. 21 U.S.C. § 802(6).

To determine whether a defendant’s state conviction qualifies as a serious drug offense under the ACCA, we again apply the categorical approach. *See United States v. Conage*, 976 F.3d 1244, 1250 (11th Cir. 2020). “Under the categorical approach, a conviction qualifies as a serious drug offense only if the state statute under which the defendant was convicted defines the offense in the same way as, or more narrowly than, the ACCA’s definition of serious drug offense.” *Id.*

Harris argues that Florida law defines cocaine more broadly than federal law because of differences in how Florida law and federal law have treated [¹²³I]ioflupane (“ioflupane”).¹ At the time of Harris’s Florida cocaine offense, in 2007, both Florida law and federal law defined cocaine so that conduct involving ioflupane was prohibited. *See* 21 U.S.C. § 812(c), Schedule II, (a)(4) (2007) (prohibiting derivatives of ecgonine, such as ioflupane); Fla. Stat. § 893.03(2)(a)(4) (2007) (same). But in 2015, the federal government legalized ioflupane. *See* Schedules of Controlled Substances:

¹ Ioflupane is a “radioactive cocaine derivative” that serves as the “active pharmaceutical ingredient in a drug used to diagnose patients who are suspected to have Parkinson’s disease.” *Brown v. United States*, 144 S. Ct. 1195, 1202 (2024).

Removal of [¹²³I]Ioflupane from Schedule II of the Controlled Substances Act, 80 Fed. Reg. 54715, 54717 (Sept. 11, 2015) (codified at 21 C.F.R. § 1308.12). As a result, when Harris committed the federal firearms offense in 2021, ioflupane was no longer a controlled substance under federal law. Harris points to the mismatch between how Florida treated ioflupane at the time of his controlled-substance offense in 2007 and how the federal government treated ioflupane at the time of his firearm offense in 2021 to argue that his cocaine conviction does not categorically qualify as a serious drug offense.

This argument, too, is foreclosed by precedent. In *United States v. Jackson*, we considered a similar argument about ioflupane. 55 F.4th 846 (11th Cir. 2022). The defendant in that case argued that when deciding whether a state conviction qualifies as a serious drug offense under the ACCA a court must look to the federal controlled-substances schedules in place at the time he committed the federal firearm offense (as opposed to those in place at the time when he committed the earlier state controlled-substance offense). *Id.* at 851. We rejected his argument, concluding that the ACCA’s definition of “serious drug offense” did not “incorporate the federal drug schedules in effect at the time a defendant committed the federal firearm offense.” *Id.* at 858–59 (internal quotation marks omitted). Recently, the Supreme Court affirmed our decision in *Jackson*. See *Brown v. United States*, 144 S. Ct. 1195 (2024). The Court explained that “a state crime constitutes a ‘serious drug offense’ if it involved a drug that was on the federal schedules when the defendant possessed or trafficked in it but was later removed.” *Id.* at 1201.

Here, when applying the categorical approach, we look to the federal and Florida drug schedules in place at the time Harris committed the cocaine delivery offense. Because there was no mismatch in how those schedules treated ioflupane, we conclude that Harris's Florida conviction for delivering cocaine categorically qualifies as a serious drug offense.

Harris has three predicate convictions for crimes that qualify as violent felonies or serious drug offenses; thus, we conclude that the district court did not err in applying the ACCA enhancement.

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES OF AMERICA

v.

RICHARD ALLEN HARRIS, JR.

JUDGMENT IN A CRIMINAL CASE

§

§

§

Case Number: 1:21-CR-20525-JEM(1)

USM Number: 70642-509

§

Counsel for Defendant: Ashley Kay

Counsel for United States: Joseph Egozi

THE DEFENDANT:

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	One of the Indictment.
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense

18 U.S.C. § 922(g)(1) Felon In Possession Of A Firearm and Ammunition and Forfeiture Count

Offense Ended

02/13/2021

Count

1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s)
 Count(s) is are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

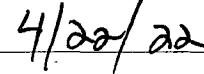
April 21, 2022

Date of Imposition of Judgment


 Signature of Judge

JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Name and Title of Judge


 Date

DEFENDANT: RICHARD ALLEN HARRIS, JR.
CASE NUMBER: 1:21-CR-20525-JEM(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

180 months as to count 1 of the Indictment.

The court makes the following recommendations to the Bureau of Prisons:

The defendant shall be assigned to a facility as close to the Southern District of Florida as possible commensurate with his background and the offense of which he stands convicted.

The Court recommends that the defendant be screened for substance abuse problems and be referred to participate in an appropriate drug education/treatment program as deemed appropriate by the Bureau of Prisons. This may include placement in the Residential Drug Abuse Treatment Program (i.e. 500-hour drug treatment program) at a designated Bureau of Prisons institution

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at a.m. p.m. on

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: RICHARD ALLEN HARRIS, JR.
CASE NUMBER: 1:21-CR-20525-JEM(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **three (3) years as to Count 1 of the Indictment.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: RICHARD ALLEN HARRIS, JR.
 CASE NUMBER: 1:21-CR-20525-JEM(1)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at www.flsp.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: RICHARD ALLEN HARRIS, JR.
CASE NUMBER: 1:21-CR-20525-JEM(1)

SPECIAL CONDITIONS OF SUPERVISION

Anger Control / Domestic Violence: The defendant shall participate in an approved treatment program for anger control/domestic violence. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

Financial Disclosure Requirement: The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

No New Debt Restriction: The defendant shall not apply for, solicit or incur any further debt, included but not limited to loans, lines of credit or credit card charges, either as a principal or cosigner, as an individual or through any corporate entity, without first obtaining permission from the United States Probation Officer.

Permissible Search: The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Required Child Support: The defendant shall comply with the terms and conditions ordered by Division of Child Support Enforcement, for the State of Florida, in docket number 292004DR011201XXXXEC [04-0011201-DR], requiring payments for the support and maintenance of the child, Ramond Rion Harris and the custodial parent with whom that child is living.

Self-Employment Restriction: The defendant shall obtain prior written approval from the Court before entering into any self-employment.

Substance Abuse Treatment: The defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

Support Of Dependents: The defendant shall support his dependent.

Unpaid Restitution, Fines, or Special Assessments: If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

DEFENDANT: RICHARD ALLEN HARRIS, JR.
 CASE NUMBER: 1:21-CR-20525-JEM(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$100.00	\$0.00	\$0.00		

The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution amount ordered pursuant to plea agreement \$

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the schedule of payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

<input checked="" type="checkbox"/> the interest requirement is waived for the	<input type="checkbox"/> fine	<input checked="" type="checkbox"/> restitution
<input type="checkbox"/> the interest requirement for the	<input type="checkbox"/> fine	<input type="checkbox"/> restitution is modified as follows:

Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the amount of **\$0.00**. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of \$25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, 18 U.S.C. §2259.

** Justice for Victims of Trafficking Act of 2015, 18 U.S.C. §3014.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RICHARD ALLEN HARRIS, JR.
CASE NUMBER: 1:21-CR-20525-JEM(1)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A Lump sum payments of \$100.00 due immediately, balance due

It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court. Payment is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several
See above for Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall forfeit the defendant's interest in the following property to the United States:
FORFEITURE of the defendant's right, title and interest in certain property is hereby ordered consistent with the plea agreement. The United States shall submit a proposed Order of Forfeiture within three days of this proceeding.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

APPENDIX C

**Reported Eleventh Circuit Cases Upholding Sentencing Enhancements
Based on Prior Florida Convictions for Aggravated Assault (2013-Oct. 2024)**

1. *Leaks v. United States*, 2024 WL 3650185, at *5 n.2 (11th Cir. 2024) (ACCA)
2. *United States v. Calixte*, 2024 WL 3043461, at *1 (11th Cir. 2024) (ACCA)
3. *United States v. Harris*, 2024 WL 3042686, at *1–2 (11th Cir. 2024) (ACCA; this case)
4. *United States v. Cole*, 2024 WL 2032790, at *5 (11th Cir. 2024) (Guidelines)
5. *United States v. Perrin*, 2024 WL 1954159, at *2 (11th Cir. 2024) (ACCA)
6. *United States v. Coissy*, 2024 WL 1853973, at *1 (11th Cir. 2024) (Guidelines)
7. *United States v. Smith*, 2024 WL 177988, at *2 & n.5 (11th Cir. 2024) (ACCA)
8. *United States v. Walker*, 2024 WL 94272, at *1 (11th Cir. 2024) (ACCA)
9. *United States v. Bryant*, 2023 WL 9018411, at *3–4 (11th Cir. 2023) (ACCA)
10. *United States v. Wallace*, 2023 WL 7485221, at *3–4 (11th Cir. 2023) (Guidelines)
11. *United States v. Hameen*, 2023 WL 6053541, at *8–9 (11th Cir. 2023) (ACCA)
12. *United States v. Morgan*, 2023 WL 5045027, at *1 (11th Cir. 2023) (Guidelines)
13. *United States v. Lynch*, 2023 WL 4882460, at *4 (11th Cir. 2023) (ACCA & Guidelines)
14. *United States v. Gary*, 74 F.4th 1332, 1334–36 (11th Cir. 2023) (ACCA)
15. *United States v. Burton*, 2023 WL 4678992, at *1–2 (11th Cir. 2023) (Guidelines)
16. *United States v. Anderson*, 2023 WL 4534156, at *1 (11th Cir. 2023) (ACCA)
17. *United States v. Smith*, 2023 WL 3151106, at * 1 (11th Cir. 2023) (ACCA)
18. *Somers v. United States*, 66 F.4th 890 (11th Cir. 2023) (ACCA)
19. *United States v. McCall*, 2023 WL 2128304, at *8 (11th Cir. 2023) (ACCA & Guidelines)
20. *United States v. Caple*, 830 F. App'x 632, 633 (11th Cir. 2020) (Guidelines)
21. *United States v. Edwards*, 833 F. App'x 323, 326–27 (11th Cir. 2020) (Guidelines)
22. *United States v. Innocent*, 977 F.3d 1077, 1085 (11th Cir. 2020) (ACCA)
23. *United States v. Billings*, 829 F. App'x 461, 464–65 & n.1 (11th Cir. 2020) (Guidelines)
24. *Anthony v. United States*, 822 F. App'x 938, 940 (11th Cir. 2020) (ACCA)
25. *Bruten v. United States*, 814 F. App'x 486, 489 & n.5 (11th Cir. 2020) (ACCA)
26. *United States v. Thomas*, 789 F. App'x 839, 840 (11th Cir. 2020) (Guidelines)
27. *Brooks v. United States*, 2019 WL 7167993, at *1 (11th Cir. 2019) (ACCA; COA denial)

28.*Robinson v. United States*, 2019 WL 6127415, at *1 (11th Cir. 2019) (ACCA; COA denial)

29.*United States v. Freeman*, 779 F. App'x 703, 704 (11th Cir. 2019) (ACCA)

30.*United States v. Anderson*, 777 F. App'x 482, 483 (11th Cir. 2019) (ACCA)

31.*United States v. Golden*, 786 F. App'x 164, 165–66 (11th Cir. 2019) (ACCA)

32.*Tinker v. United States*, 2019 WL 12337893, at *2 (11th Cir. 2019) (ACCA)

33.*Ponder v. United States*, 774 F. App'x 625, 626 (11th Cir. 2019) (ACCA)

34.*United States v. Preston*, 769 F. App'x 707, 708–09 (11th Cir. 2019) (ACCA)

35.*Capalbo v. United States*, 763 F. App'x 904, 904–05 (11th Cir. 2019) (ACCA)

36.*Lamb v. United States*, 2019 WL 13209287, at *3 (11th Cir. 2019) (ACCA)

37.*Miller v. United States*, 2019 WL 4061496, at *1 (11th Cir. 2019) (ACCA; COA denial)

38.*United States v. Kendricks*, 758 F. App'x 687, 691–93 (11th Cir. 2018) (ACCA)

39.*United States v. Santoriello*, 756 F. App'x 886, 888 (11th Cir. 2018) (ACCA)

40.*United States v. Morrobel*, 754 F. App'x 867, 871 (11th Cir. 2018) (ACCA)

41.*Bivins v. United States*, 747 F. App'x 765, 770–71 (11th Cir. 2018) (ACCA)

42.*Hyror v. United States*, 896 F.3d 1219, 1223 (11th Cir. 2018) (ACCA)

43.*Churchwell v. United States*, 2018 WL 11337426, at *2 (11th Cir. 2018) (Guidelines)

44.*United States v. Perez*, 2018 WL 11362746, at *2 (11th Cir. 2018) (Guidelines)

45.*United States v. Chappelle*, 735 F. App'x 644, 648 (11th Cir. 2018) (ACCA & Guidelines)

46.*United States v. Butler*, 714 F. App'x 980, 981–82 (11th Cir. 2018) (ACCA)

47.*United States v. Deshazior*, 882 F.3d 1352, 1355 (11th Cir. 2018) (ACCA)

48.*Flowers v. United States*, 724 F. App'x 820, 823–24 (11th Cir. 2018) (ACCA)

49.*Del Monte v. United States*, 2018 WL 11397683, at *1 (11th Cir. 2018) (ACCA; COA denial)

50.*United States v. Casamayor*, 721 F. App'x 890, 896–97 (11th Cir. 2018) (ACCA)

51.*United States v. Trevino*, 720 F. App'x 565, 570–71 (11th Cir. 2018) (ACCA)

52.*United States v. McCarthren*, 707 F. App'x 951, 952 (11th Cir. 2017) (Guidelines)

53.*Jones v. United States*, 2017 WL 11623200, at *3 (11th Cir. 2017) (ACCA; COA denial)

54.*United States v. Kelly*, 697 F. App'x 669, 670 (11th Cir. 2017) (Guidelines)

55.*United States v. Ackerman*, 709 F. App'x 925, 929 (11th Cir. 2017) (ACCA)

56.*United States v. Jackson*, 696 F. App'x 981, 982 (11th Cir. 2017) (Guidelines)

57.*United States v. Calhoun*, 696 F. App'x 482, 482–83 (11th Cir. 2017) (Guidelines)

- 58.** *United States v. Williams*, 700 F. App'x 895, 897–98 (11th Cir. 2017) (ACCA)
- 59.** *United States v. Hughes*, 688 F. App'x 889, 889–90 (11th Cir. 2017) (ACCA & Guidelines)
- 60.** *Rhodes v. United States*, 2017 WL 5952933, at *2 (11th Cir. 2017) (ACCA; COA denial)
- 61.** *United States v. Peterkin*, 686 F. App'x 718, 719 (11th Cir. 2017) (Guidelines)
- 62.** *United States v. Golden*, 854 F.3d 1256, 1256–57 (11th Cir. 2017) (Guidelines)
- 63.** *Hall v. United States*, 2016 WL 11854849, at *3 (11th Cir. 2016) (ACCA; COA denial)
- 64.** *In re Rogers*, 825 F.3d 1335, 1341 (11th Cir. 2016) (ACCA)
- 65.** *In re Hires*, 825 F.3d 1297, 1301 (11th Cir. 2016) (ACCA)
- 66.** *United States v. Johnson*, 515 F. App'x 844, 847–48 (11th Cir. 2013) (ACCA)
- 67.** *Turner v. Warden Coleman FCI (Medium)*, 709 F.3d 1328, 1338 (11th Cir. 2013) (ACCA)