

No. 24-7292

In the
Supreme Court of the United States

Germaine Ramsey,

Petitioner,

v.

United States of America,

Respondent.

On Petition for a Writ of Certiorari to
The United States Court of Appeals
For the Second Circuit

**REPLY IN SUPPORT OF
PETITION FOR A WRIT OF CERTIORARI**

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ARGUMENT

A GVR is Warranted Given *Thompson*

Petitioner was charged with and convicted of “Making a False Statement” on “January 2, 2020.” Pet. App. 46a, 53a. The supposed lie was her saying she entered a post office vault on December 22, 2019, “only to return a key.” *Id.* Undisputedly, however, no evidence was offered of her saying she entered “only to return a key.” The Second Circuit affirmed her conviction on the theory that, by truthfully saying “she entered the vault to return the keys, *without providing any other reasons for doing so*, she lied.” *Id.* at 8a (emphasis added).

This logic was squarely rejected in *Thompson v. United States*, 145 S. Ct. 821 (2025). An “omission [that] renders a statement misleading” is not enough for conviction under a false-statement charge “unless it can be characterized as ‘false’ and not ‘true.’ A statement that is true but misleading does not fit the bill.” *Id.* at 828. Petitioner’s saying she “entered the vault to return the keys,” Pet. App. 8a, was true: she did enter to return them. Though her “omission” of any other reasons for entering might have been “misleading,” a “statement that is true but misleading does not fit the bill” for conviction. *Thompson*, 145 S. Ct. at 828.

This case plainly warrants a GVR given *Thompson*. The Solicitor General nonetheless opposes a remand for three reasons. None holds water.

First, he asserts “Petitioner is incorrect in stating (Pet. 2, 5, 7) that she was convicted based on a truthful, if misleading, statement.” Opp. 2. He says Petitioner “at first ‘denied involvement in the theft’ and claimed she had entered the vault on

the day of the theft ‘to return a set of Metro Station keys,’” but later “‘admitted she had lied.” *Id.* (quoting Pet. App. 2a-3a).

Yet the SG’s view that Petitioner lied about her “involvement in the theft,” though that was one of the two lies alleged, was not the lie the jury found. *See* Pet. App. 53a. The lie it found was Petitioner’s saying she entered the vault “only to return a key.” *Id.* Again, however, no evidence was identified – by the government at trial, by the Circuit on appeal, or by the SG now – of her ever saying that. The proof of guilt offered was her saying “she returned the keys.” *Id.* at 18a. But that was absolutely true – she did return them – just as Thompson “had in fact taken out a loan for \$110,000 just as he said.” 145 S. Ct. at 824. Even if Petitioner omitted her “other reasons” for entering the vault, Pet. App. 8a, thus rendering her true statement about returning the keys arguably misleading, she indisputably was “convicted based on a truthful, if misleading, statement.” Opp. 2. And that just “does not fit the bill” for conviction. *Thompson*, 145 S. Ct. at 828.

Second, the SG claims a GVR is unnecessary because the Circuit already “correctly understood that . . . a statement may be false in context.” Opp. 3. *See also Thompson*, 145 S. Ct. at 828 (“We agree with the parties that at least some context is relevant to determining whether a statement is false.”).

Yet the SG overlooks the context here. As to the January 2, 2020, interview in which Petitioner supposedly lied, “the inspector did not testify to asking Ramsey *why* she entered the vault. The inspector simply reported that, when she ‘discuss[ed] with [Ramsey] *whether* she returned to the vault,’ Ramsey ‘said that she

returned the keys.’ Pet. App. 18a (emphasis added).” Pet. 6. Had the inspector asked *why* Petitioner entered the vault, her giving only an explanation of returning the keys might have been false in context. But that is not the context here. Petitioner’s informing the inspector that “she returned the keys,” Pet. App. 18a, was a true statement. And that “does not fit the bill” for conviction. *Thompson*, 145 S. Ct. at 828.

Third, the SG claims Petitioner simply has a “disagreement with the lower courts’ assessment of the trial evidence,” and notes this Court “ordinarily does not review such factbound contentions.” Opp. 4.

Yet Petitioner seeks an exceedingly low-cost GVR in light of *Thompson*— not a cert grant, briefing and argument so this Court can sift the facts. There is, moreover, utterly no disagreement about the trial evidence: neither the prosecutors nor Circuit nor SG have cited any evidence of Petitioner saying on January 2, 2020, as charged and found, that she entered the vault “only to return a key.” Pet. App. 46a, 53a. The disagreement here is about the legal sufficiency of the undisputed evidence – Petitioner’s saying she returned the keys “*without providing any other reasons*” for being in the vault, *id.* at 8a (emphasis added) – to support conviction. Though her omission of other reasons for being there – like Thompson’s omission of the fact that he had borrowed an additional \$109,000 – might have rendered their true statements misleading, a “statement that is true but misleading does not fit the bill” for conviction. 145 S. Ct. at 828.

A GVR is warranted.

CONCLUSION

The petition for a writ of certiorari should be granted, the judgment below should be vacated, and the case should be remanded for further consideration in light of *Thompson*.

Respectfully submitted,

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