

03-1293 WHITFIELD V. UNITED STATES

DECISION BELOW: 349 F3d 1320

LOWER COURT CASE NUMBER: 01-14746

QUESTION PRESENTED:

1. Whether commission of an overt act is an essential element of a conviction under 18 U.S.C. § 1956(h), conspiracy to commit money laundering?
2. Whether the Supreme Court should resolve the split between the federal circuit courts on the issue of whether an overt act is an essential element of a conviction under 18 U.S.C. § 1956(h)?
3. Whether the district court abused its discretion in omitting an "overt act" element from its instruction on money laundering conspiracy?

CONSOLIDATED WITH 03-1294 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 6/21/2004