

No. 17-8526

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IN THE SUPREME COURT OF THE UNITED STATES

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MILTON NELSON WARD, PETITIONER

v.

UNITED STATES OF AMERICA

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 12-17) that the statute under which he was convicted, D.C. Code § 7-2502.01 (2001), violates the Second Amendment. The court of appeals determined that petitioner's unconditional guilty plea foreclosed his challenge to Section 7-2502.01. Pet. App. A27-A28 & n.5. At the time of the decision, governing precedent from that court held that an unconditional guilty plea waived any non-jurisdictional defects in the proceedings, including a constitutional challenge to the statute of conviction. See, e.g., Smith v. United States, 20 A.3d 759, 762 (D.C. 2011).

After the court of appeals issued its decision and denied petitioner's petition for rehearing en banc, this Court held in Class v. United States, 138 S. Ct. 798 (2018), that an unconditional guilty plea, by itself, does not bar a defendant from claiming on appeal that the statute of conviction is unconstitutional. Id. at 803. Accordingly, the appropriate disposition is to grant the petition for a writ of certiorari, vacate the judgment of the court of appeals, and remand the case for further consideration in light of Class.\*

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

JUNE 2018

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\* The government waives any further response to the petition unless this Court requests otherwise.