



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

October 13, 2020

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: United States v. Briggs, No. 19-108, and United States v. Collins, No. 19-184

Dear Mr. Harris:

At oral argument in these cases earlier today, Justice Sotomayor asked about the significance of “the fact that it’s been decades, decades, since the death penalty has been imposed or sought in a rape case in the military.” Transcript 21:3-6. As part of my response, I stated that it has been decades since the military “sought” the death penalty for premeditated murder. *Id.* at 21:9-12. I meant to say that it has been decades since the military carried out the death penalty for premeditated murder. On occasion the military has sought the death penalty for premeditated murder, including within the last decade. The government maintains its position that the frequency with which the death penalty has been sought or carried out in the military does not affect the constitutional analysis here.

I apologize for my misstatement, and I would appreciate if you could distribute this letter to the Members of the Court.

Sincerely,

/s/ Jeffrey B. Wall

Jeffrey B. Wall
Acting Solicitor General

cc: See Attached Service List

19-0108
USA
MICHAEL J.D. BRIGGS

PETER COOTE
PENNONI
1900 MARKET STREET
SUITE 300
PHILADELPHIA, PA 19103
215-222-3000
PCOOTE@PENNONI.COM

ZACHARY A. GRAY
DEPARTMENT OF THE ARMY
9275 GUNSTON ROAD
FORT BELVOIR, VA 22060-5546
703-806-0676
ZACHARY.A.GRAY8.MIL@MAIL.MIL

JEFFREY T. GREEN
SIDLEY AUSTIN LLP
1501 K STREET, N.W.
WASHINGTON, DC 20005
202-736-8291
JGREEN@SIDLEY.COM

ALLYSON N. HO
GIBSON, DUNN & CRUTCHER LLP
2001 ROSS AVENUE
DALLAS, TX 75201-2911
214-698-3233
AHO@GIBSONDUNN.COM

MAJ. JOHNATHAN LEGG
FAIRCHILD HALL
ROOM 6H-194
US AIR FORCE ACADEMY, CO 80840
JOHNATHAN.LEGG@USAFA.EDU

JEREMY B. LOWREY
ATTORNEY AT LAW
PO BOX 153
SHERIDAN, AR 72150
870-328-4957
JLOWREY@CENTERLANE.ORG

ELIZABETH G. MAROTTA
DEFENSE APPELLATE DIVISION
9275 GUNSTON ROAD
FORT BELVOIR, VA 22060-5546
703-693-0647
ELIZABETH.G.MAROTTA.MIL@MAIL.MIL

DAVID P. SHELDON
LAW OFFICES OF DAVID P. SHELDON, PLLC
100 M STREET, SE
SUITE 600
WASHINGTON, DC 20003
202-546-9575
DAVIDSHELDON@MILITARYDEFENSE.COM

STEVEN I. VLADECK
727 EAST DEAN KEETON STREET
AUSTIN, TX 78705
SVLADECK@LAW.UTEXAS.EDU

TERRI ZIMMERMAN
770 S. POST OAK LANE
SUITE 620
HOUSTON, TX 77056
TERRI.ZIMMERMAN@ZLZSLAW.COM

19-0184
USA
RICHARD D. COLLINS AND HUMPHREY DANIELS,
III

WILLIAM E. CASSARA
P.O. BOX 2688
EVANS, GA 30809
706-860-5769
BILL@WILLIAMCASSARA.COM

PETER COOTE
PENNONI
1900 MARKET STREET
SUITE 300
PHILADELPHIA, PA 19103
215-222-3000
PCOOTE@PENNONI.COM

ZACHARY A. GRAY
DEPARTMENT OF THE ARMY
9275 GUNSTON ROAD
FORT BELVOIR, VA 22060-5546
703-806-0676
ZACHARY.A.GRAY8.MIL@MAIL.MIL

JEFFREY T. GREEN
SIDLEY AUSTIN LLP
1501 K STREET, N.W.
WASHINGTON, DC 20005
202-736-8291
JGREEN@SIDLEY.COM

TAMI L. MITCHELL
CIVILIAN APPELLATE DEFENSE COUNSEL
LAW OFFICE OF DAVID P. SHELDON, PLLC
5390 GOODWIEW DRIVE
COLORADO SPRINGS, CA 80911
719-426-8967
TAMIMITCHELL@MILITARYDEFENSE.COM

MARK J. SCHWARTZ
MAJOR, USAF
APPELLATE DEFENSE COUNSEL
AIRFORCE APPELLATE DEFENSIVE DIVISION
1500 W. PERIMETER ROAD, SUITE 1100
JOINT BASE ANDREWS, MD 20762
240-612-4470
MARK.J.SCHWARTZ7.MIL@MAIL.MIL

DAVID P. SHELDON
LAW OFFICES OF DAVID P. SHELDON, PLLC
100 M STREET, SE
SUITE 600
WASHINGTON, DC 20003
202-546-9575
DAVIDSHELDON@MILITARYDEFENSE.COM

STEPHEN I. VLADECK
727 EAST DEAN KEETON ST.
AUSTIN, TX 78705
512-475-9198
SVLADECK@LAW.UTEXAS.EDU