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**NO. 19-5410**

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**IN THE UNITED STATES SUPREME COURT**

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**CHARLES BORDEN, Jr.,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**SUPPLEMENTAL BRIEF FOR THE PETITIONER**

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Charles Borden was sentenced as an Armed Career Criminal under 18 U.S.C. § 924(e) (the “ACCA”), (Pet. at 7-10), and the first question presented in his Petition for Certiorari is whether the “use of force” clause in § 924(e)(2)(B)(i) encompasses crimes with a *mens rea* of mere recklessness.

On September 19, 2019, James Walker filed a Petition for Certiorari raising the same question. *Walker v. United States*, No. 19-373. In it, Mr. Walker argues that his case presents the better vehicle for addressing this question, stating that Mr. Borden’s Petition does not involve the ACCA but addresses a “related but distinct question: whether an offense with a *mens rea* of recklessness can qualify as a ‘crime of violence’ under Section 4B1.2 of the Sentencing Guidelines . . . .” (Walker Pet., No. 19-373, Page 23). This is mistaken.

Mr. Borden files this Supplemental Brief to clarify that his Petition does not address the definition of “crime of violence” under the Sentencing Guidelines, but addresses whether an offense with a *mens rea* of recklessness can qualify as a “violent felony” under the ACCA. The lower courts are now deeply and firmly divided on this important question, and only this Court’s intervention will resolve the matter.

Respectfully submitted,

FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.

By:   
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