

No. 20-1000

IN THE
Supreme Court of the United States

MONICO DOMINGUEZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SUPPLEMENTAL BRIEF FOR PETITIONER

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ARGUMENT

The question presented here is whether attempted robbery under the Hobbs Act, 18 U.S.C. § 1951, qualifies as a “crime of violence,” meaning that it “has as an element the use, attempted use, or threatened use of physical force against the person or property of another,” *id.* § 924(c)(3)(A). On June 21, 2022, this Court decided *United States v. Taylor*, No. 20-1459, which presented the same question. The Court held—as petitioner here argues—that attempted Hobbs Act robbery is not a crime of violence because “no *element* of attempted Hobbs Act robbery requires the government to prove beyond a reasonable doubt that the defendant used, attempted to use, or even threatened to use force.” __ S. Ct. __ at __ (2022) (slip op. at 7) (emphasis in original).

As the government has recognized, *Taylor* controls this case. In its response to the petition here, the government argued that this Court should “grant the petition in *Taylor*, which clearly presents the question whether attempted Hobbs Act robbery is a crime of violence,” and “then hold the petition in this case pending *Taylor* and dispose of it as appropriate in light of the Court’s disposition of *Taylor*,” which would “permit petitioner to benefit from a defendant-favorable ruling in *Taylor*.” Resp. 9.

Petitioner’s conviction and sentence under § 924(c) cannot stand following *Taylor*. This Court should therefore grant the petition, vacate the Ninth Circuit’s contrary decision, and remand for reconsideration in light of *Taylor*.

CONCLUSION

The petition for a writ of certiorari should be granted, the judgment vacated, and the case remanded to the court of appeals for further proceedings consistent with *Taylor*.

Respectfully submitted.

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