

IN THE SUPREME COURT OF THE UNITED STATES

JOHNNIE LEEANOGZ DAVIS, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether the lower courts correctly determined that petitioner lacked Fourth Amendment standing to challenge the execution of a warrant that revealed someone else's e-mail account open on a third person's cellphone.

2. Whether the lower courts correctly determined that petitioner's arrest by state authorities for state-law offenses did not trigger the federal requirement of prompt presentment before a magistrate judge.

3. Whether the lower courts correctly determined that the government presented sufficient evidence that petitioner acted with the requisite intent to violate the federal carjacking statute, 18 U.S.C. 2119.

ADDITIONAL RELATED PROCEEDINGS

United States District Court (M.D. Ala.):

United States v. Davis, 21-cr-101 (Jan. 18, 2023)

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-5189

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v.

UNITED STATES OF AMERICA

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. A1-A40) is reported at 109 F.4th 1320. The opinions and orders of the district court are available at 2022 WL 17604404, 2022 WL 300774, and 2022 WL 2764903.

JURISDICTION

The judgment of the court of appeals was entered on July 30, 2024. A petition for rehearing was denied on April 30, 2025 (Pet. App. A41-A42). The petition for a writ of certiorari was filed on July 15, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a jury trial in the United States District Court for the Middle District of Alabama, petitioner was convicted on three counts of carjacking, in violation of 18 U.S.C. 2119; and three counts of brandishing a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. 924(c)(1). Judgment 1-2. The district court sentenced petitioner to 315 months of imprisonment, to be followed by three years of supervised release. Judgment 3-4. The court of appeals affirmed. Pet. App. A1-A40.

1. Between 2014 and 2017, a string of carjackings and robberies took place in Montgomery, Alabama. Pet. App. A3. After spending years investigating the crimes on its own, in 2017 the Montgomery Police Department (MPD) sought assistance from the Federal Bureau of Investigation (FBI). Id. at A3, A21. An MPD sergeant who also served as a task-force officer with the FBI initiated an FBI investigation into 35 incidents that he believed were committed by the same suspect. Id. at A3. While the investigation was ongoing, three more incidents took place. Id. at A4.

a. First, on January 23, 2020, a masked man approached a woman while she was putting her grandchild in her car, gestured to a gun in his waistband, and demanded the car. Pet. App. A4; 2022 WL 17604404, at *2; D. Ct. Doc. 110-3, at 7-8 (Apr. 20, 2022). The victim complied, believing that the carjacker would have shot her if she did not oblige. Pet. App. A4. The masked man then

used the stolen car to rob a gas station. Ibid. Surveillance footage showed that the robber then dumped the stolen vehicle and got into another car to make his escape. Ibid.

The MPD officer investigating the case sought a type of warrant known as a “geofence warrant” to help identify the January 2020 robber. Pet. App. A4. A geofence warrant is an investigative tool that helps officers identify unknown suspects and witnesses of a crime using cellphone location information stored by a third-party company, such as Google. See Br. in Opp. at 3, Smith v. United States, No. 24-7237 (Oct. 2, 2025) (discussing geofence warrants).^{*} The warrant is directed at the third-party company and requests information about devices that were located near a specified area during a given timeframe. See Pet. App. A11. In general, once the geofence warrant application is approved, the company then turns over to law enforcement an anonymized list of devices or accounts matching the warrant’s temporal and geographical criteria. Id. at A12. Law enforcement may seek further information in an attempt to identify promising leads, and ultimately ask the company to “unmask” certain users from its anonymized list, allowing law enforcement to use that information to further its investigation of the crime. Ibid.

In this case, the officer sought a geofence warrant directing Google to gather user information “within fifteen to forty minutes,

^{*} The government has served petitioner with a copy of its brief in Smith, which is also available on this Court’s online docket.

and within a forty-to-one-hundred-meter radius of six specified locations” that corresponded to video surveillance footage capturing the suspect’s movements on the night of January 23, 2020. Pet. App. A12. A federal magistrate judge approved the officer’s warrant application, and the officer executed the warrant on Google. Ibid. Google responded to the warrant by producing an anonymized list of users present at the specified times and locations. Ibid.

Law enforcement identified three devices that appeared to be connected to the investigation, which Google then “unmasked.” Pet. App. A12. Google next identified a Gmail account that was open on a device in the getaway car when video surveillance captured the robbery suspect entering the car. Ibid. The device belonged to petitioner’s girlfriend Portia Gilbert, and the Gmail account belonged to Gilbert’s daughter. Id. at A5, A12-A13. Law enforcement later determined that the device had also been in the areas where the January 23 carjacking and robbery took place, as well as in the area where the stolen vehicle had been dumped. Id. at A12-A13.

b. While MPD continued its investigation, a second carjacking and robbery took place. On the evening of October 30, 2020, a man and his 15-year-old son were approached by a masked man who put two pistols in the son’s face and told the father and son to run. Pet. App. A5. The victims obliged, believing that the man probably would have shot his son if they had not given up

the car. Ibid. The stolen car was used that night in a robbery at a Dollar General store nearby. Ibid.

After obtaining video surveillance from that evening, MPD identified a vehicle of interest that it later determined had been rented to petitioner. Pet. App. A5. Law enforcement then used the cellphone number that petitioner listed in the rental agreement to obtain a new warrant that allowed police to track the phone in real time. Ibid.

c. A third carjacking and robbery took place the next month. On November 11, 2020, a masked man approached the victim's car, stuck a gun through the driver's side window, and told the victim, "don't think about it." Pet. App. A6. The victim relinquished the car, believing that he would be shot in the head if he did not give it up. Ibid.; 2022 WL 17604404. Later that evening, a masked man used the stolen car to rob a Fresh Market and Dollar General. Pet. App. A6. After learning of the most recent carjacking and robberies, MPD checked the location of petitioner's cell phone and discovered that it was near both businesses around the time of the robberies. Ibid.

On November 12, 2020, MPD secured an arrest warrant for petitioner and search warrants for residences that he was known to frequent. Pet. App. A6. The MPD sergeant arrested petitioner on eight state charges relating to the string of carjackings and robberies. Ibid. Petitioner was taken into custody and placed in a holding cell. Ibid. After providing petitioner with lunch and

advising him of his Miranda rights, the MPD sergeant and a special FBI agent interviewed petitioner. Ibid. Petitioner waived his Miranda rights and, about eight hours after he was initially detained, he confessed to the October 2020 and November 2020 carjackings and robberies. Ibid. Petitioner denied involvement, however, in the January 2020 carjacking and robbery. Ibid.; see 2022 WL 3452800, at *3.

2. In December 2021, a federal grand jury returned a 14-count superseding indictment against petitioner. Pet. App. A6. Specifically, petitioner was charged with three counts of carjacking, in violation of 18 U.S.C. 2119 (January 2020, October 2020, and November 2020); four counts of Hobbs Act robbery, in violation of 18 U.S.C. 1951 (January 2020, October 2020, and two in November 2020); and seven counts of brandishing a firearm, in violation of 18 U.S.C. 924(c)(1)(A) (one for each of the seven crimes of violence). Superseding Indictment 1-7. Petitioner filed multiple suppression motions before trial.

a. In one suppression motion, petitioner sought to suppress his post-arrest inculpatory statements on the theory that they were obtained in violation of his right to prompt presentment before a magistrate judge under Federal Rule of Criminal Procedure 5(a) and 18 U.S.C. 3501(c). Pet. App. A7.

Rule 5(a) requires an arrested defendant to be presented before a federal magistrate judge "without unnecessary delay." Fed. R. Crim. P. 5(a)(1). Section 3501(c) provides a six-hour

safe-harbor period following a defendant's arrest or detention, during which his voluntary statements "shall not be inadmissible" to be weighed by a jury "solely because of delay in bringing such person before a magistrate judge." 18 U.S.C. 3501(c). This Court has held that a confession made before presentment and beyond the statutory safe harbor requires suppression if "delaying that long was unreasonable or unnecessary" under precedents in which this Court has exercised its supervisory power to enforce the federal presentment requirement. Corley v. United States, 556 U.S. 303, 322 (2009); see id. at 306-311.

After holding a hearing, a magistrate judge recommended that petitioner's suppression motion be denied. 2022 WL 3452800. The magistrate judge explained that the presentment requirements of Rule 5(a) and 18 U.S.C. 3501(c) arise only when the arrestee is "being held on federal charges." 2022 WL 3452800, at *5. Citing this Court's precedent, the magistrate judge explained that "[a]s long as a person is arrested and held only on state charges by state or local authorities," no statutory exclusion would be applicable, "even if the arresting officers believe or have cause to believe that the person also may have violated federal law." Id. at *4-*6 (quoting United States v. Alvarez-Sanchez, 511 U.S. 350, 358 (1994)). Here, the magistrate determined that petitioner's "detention and arrest were for state offenses at the time he made his inculpatory statements." Id. at *6. The magistrate judge also found no evidence that petitioner's arrest

and detention by MPD was the result of improper collusion between MPD and the FBI to deprive petitioner of his federal presentment rights. Ibid.

The district court adopted the recommendation in relevant part, agreeing that petitioner “lacked a federal right to prompt presentment” when he made his inculpatory statements, “because he was under arrest on only state charges at the time, and because there is insufficient evidence of improper collusion between state and federal law enforcement.” 2022 WL 2764903, at *1.

b. In another suppression motion, petitioner sought to suppress evidence obtained from the Google geofence warrant. See Pet. App. A7-A8; D. Ct. Doc. 110; D. Ct. Doc. 132 (May 27, 2022).

After holding two hearings, the magistrate judge found that petitioner lacked Fourth Amendment standing to challenge the warrant, because he had no legitimate privacy or property interest “in the search of his girlfriend’s phone or her daughter’s Google account.” Pet. App. A7; 2022 WL 3009240, at *8. The magistrate judge noted the lack of evidence that the geofence warrant “caused any device or data belonging to [petitioner] to be searched.” 2022 WL 3009240, at *4. The magistrate judge alternatively determined that, even if petitioner had Fourth Amendment standing to challenge the geofence warrant, suppression would not be warranted in light of the good-faith exception to the exclusionary rule. Id. at *9. The magistrate judge explained that “[b]ecause there is no law

enforcement wrongdoing to deter, suppression is not warranted.”
Ibid. (citations omitted).

The district court adopted the magistrate judge’s recommendation. 2022 WL 3007744, at *1.

4. The case proceeded to trial. At the end of the trial, the district court dismissed the Hobbs Act robbery counts and accompanying brandishing counts on the view that the government had not established an interstate nexus for those crimes. Pet. App. A8. A jury found petitioner guilty on the remaining counts: three counts of carjacking and three counts of brandishing a firearm during and in relation to a carjacking. Ibid.

Petitioner moved for a judgment of acquittal under Federal Rule of Criminal Procedure 29(c), challenging the sufficiency of the government’s evidence that he intended to cause death or seriously bodily harm when he took the cars, as required under the federal carjacking statute. 2022 WL 17604404, at *2; see 18 U.S.C. 2119. The district court denied the motion. 2022 WL 17604404, at *2. The court found “that the testimony from victims * * * when considered in the context of all the evidence in the case” -- namely, that petitioner “was wearing a ski mask and verbally instructed the victims to give up their vehicle; two of the victims did so with a gun pointed at his or a loved one’s face; and the victims were, in fact, fearful of serious bodily harm” -- “was sufficient for a rational juror to conclude beyond a reasonable doubt that [petitioner’s] gun was real and loaded and that he had

the intent to seriously harm them if necessary to steal their vehicles." Id., at *3 (footnote omitted).

The district court sentenced petitioner to 315 months of imprisonment, to be followed by three years of supervised release. Judgement 3-4.

5. The court of appeals affirmed. Pet. App. A1-A40.

First, the court of appeals rejected petitioner's argument for the suppression of evidence derived from the geofence warrant. Pet. App. A9-A19. The court saw no need to decide whether the Fourth Amendment had been violated, or whether the exclusionary rule should be applied, because it agreed with the district court that petitioner lacked "Fourth Amendment standing" -- that is, a "cognizable Fourth Amendment privacy interest in the place, items, or property searched under the geofence warrant" -- because the location information that Google revealed to the government "was not [petitioner]'s and was not on a phone in his exclusive possession or control." Id. at A13, A15.

The court of appeals rejected petitioner's argument that he has Fourth Amendment standing simply by virtue of having a Google account, which was premised on the theory that "Google's initial search of its internal data touched all Google accounts that exist." Pet. App. A17. The court found "no evidence in the record to support [petitioner's] claim that the geofence warrant required Google to search every existing Google account." Ibid. The court also found that "even if Google did have to search every single

account," petitioner would still lack Fourth Amendment standing because "no information related to [petitioner]'s device or account was divulged to the government." Id. at A18; see ibid. ("The Constitution is not concerned with a private party's search of its own records."). Because the court agreed with the district court's Fourth Amendment standing argument, it declined to decide "whether the warrant was defective or if the Leon good faith exception applies." Id. at A9.

Second, the court of appeals upheld the admissibility of petitioner's inculpatory statements. Pet. App. A19-A23. The court declined to disturb the district court's "findings that there was no evidence of improper collusion between federal and local authorities," explaining that they were not "clearly erroneous." Id. at A21. The court of appeals agreed with the district court that the investigation in this case involved "'routine cooperation between local and federal authorities,'" not improper "collusion." Id. at A22 (quoting Alvarez-Sanchez, 511 U.S. at 360).

Finally, the court of appeals agreed with the district court that sufficient evidence supported petitioner's carjacking conviction. Pet. App. A23. The court noted that under circuit precedent, the statutory element of intent "is satisfied when the government presents evidence that the defendant put a gun to a victim's face and told the victim to get out of the car, and the victim testified that he feared for his life." Id. at A23-A24 (citing United States v. Fulford, 267 F.3d 1241, 1244 (11th Cir.

2001)). And the court observed that the "government presented similar evidence here for each of the carjackings," including testimony by the three victims that they each believed that petitioner would have shot them if they had not complied with his demands for their vehicles. Ibid.

Judge Jordan wrote a concurring opinion, agreeing that petitioner lacks Fourth Amendment standing but offering different reasoning. Pet. App. A25-A40; see id. at A23.

ARGUMENT

Petitioner renews each of the three claims that the court of appeals, and the district court, rejected. First, petitioner claims (Pet. 13-19) that the government's use of geofence warrants violated his Fourth Amendment rights. But the court of appeals did not address that question because it correctly determined that petitioner lacks Fourth Amendment standing to challenge the geofence warrant used in this case, and that determination does not warrant further review. Second, petitioner claims (Pet. 19-22) that his arrest for state-law offenses triggered a federal right to have the evidence excluded due to delay in presentment, on the theory that the federal and state officers in this case impermissibly colluded. The lower courts correctly found no evidence of collusion, and that factbound determination does not warrant this Court's review. Third, petitioner claims (Pet. 22-24) that the government presented insufficient evidence that he intended to kill or seriously harm each of the victims of his

carjackings. Again, the lower courts correctly rejected that argument, and their factbound determination does not merit further review. The petition for a writ of certiorari should be denied.

1. Petitioner first contends (Pet. 13-19) that he was entitled to suppression of evidence derived from the geofence warrant. But the court of appeals correctly recognized that petitioner lacked Fourth Amendment standing to challenge the geofence warrant, and petitioner's Fourth Amendment claim would not provide a sound basis for further review even if he had Fourth Amendment standing.

a. The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. Amend. IV. As the constitutional text makes clear, "Fourth Amendment rights are personal rights which, like some other constitutional rights, may not be vicariously asserted." Rakas v. Illinois, 439 U.S. 128, 133-134 (1978) (citation omitted). It has therefore "long been the rule that a defendant can urge the suppression of evidence obtained in violation of the Fourth Amendment only if that defendant demonstrates that his Fourth Amendment rights were violated by the challenged search." United States v. Padilla, 508 U.S. 77, 81 (1993) (per curiam); see Alderman v. United States, 394 U.S. 165, 171-172 (1969). That requirement is sometimes referred to as Fourth Amendment standing. See Pet. App. A10; see also Byrd v. United States, 584 U.S. 395, 410-411 (2018).

Absent the existence of recognized property rights capable of invasion through "physical intrusion," Florida v. Jardines, 569 U.S. 1, 5 (2013) (citation omitted), the touchstone of such a demonstration is an affirmative showing that the defendant had a "legitimate expectation of privacy in the invaded place," Minnesota v. Olson, 495 U.S. 91, 95 (1990) (quoting Rakas, 439 U.S. at 143). For a "subjective expectation of privacy" to be "legitimate," it must be "one that society is prepared to recognize as reasonable." Id. at 95-96 (citation and internal quotation marks omitted); see Katz v. United States, 389 U.S. 347, 361 (1967) (Harlan, J., concurring).

The courts below correctly applied those principles to find that petitioner lacked a cognizable privacy interest in the Gmail account that belonged to his girlfriend's daughter or the device that belonged to his girlfriend, which he "did not own or exclusively use." See Pet. App. A15. As the court of appeals emphasized, because the data that petitioner sought to suppress "wasn't [petitioner]'s to begin with," petitioner "cannot argue that he had a privacy interest in this data that gives him Fourth Amendment standing." Ibid. And because the identified device was his girlfriend's cellphone, "the warrant did not track [petitioner]'s personal movements." Id. at A16.

The court of appeals also correctly rejected petitioner's argument that he had Fourth Amendment standing simply by virtue of being a Google account holder. See Pet. App. A17-A18. The court

observed that the record lacked evidence that Google had to search every single account in order to respond to the geofence warrant. Id. at A17. And even if Google had searched petitioner's account to respond to the geofence warrant, the court correctly noted that Google never turned that information over to the government. Id. at A18 (The Fourth Amendment "is not concerned with a private party's search of its own records.").

Petitioner identifies no division of authority that would be implicated by the court of appeals' determination that he lacked Fourth Amendment standing. Petitioner suggests (Pet. 16) that the decision below reflects a different approach to geofence warrants from the Fifth Circuit's in United States v. Smith, 110 F.4th 817 (2024), cert. denied, No. 24-7237 (Nov. 10, 2025). But the court in Smith cited approvingly to the standing analysis in the decision below, noting that one of the three defendants in that case might have also lacked standing to challenge the warrant at issue there because his "information was never retrieved in response to a geofence warrant." Id. at 831 n.5. The court in Smith declined to resolve the Fourth Amendment standing issue for that defendant because it ultimately held that the good-faith exception to the exclusionary rule precluded suppression. See ibid. But its approach to Fourth Amendment standing is entirely consistent with the decision below.

b. Petitioner urges (Pet. 15) this Court to grant certiorari to resolve an asserted conflict on broader questions

concerning the constitutionality of geofence warrants. As explained in the government's brief in opposition to the pending certiorari petition in Chatrie v. United States, no court of appeals or state court of last resort has suppressed evidence based on a challenge to a geofence warrant, and review of such a challenge by this Court is accordingly unwarranted at this time. See Br. in Opp. at 17-18, Chatrie v. United States, No. 25-112 (Nov. 24, 2025).^{*} And this case would be an especially poor vehicle for such review. As petitioner's recognizes (Pet. 16), the court below "sidestepped the issue entirely" by resolving the case on Fourth Amendment standing. See Zivotofsky v. Clinton, 566 U.S. 189, 201 (2012) (declining to review claim "without the benefit of thorough lower court opinions to guide our analysis of the merits").

Nor is there any error on the merits. To the contrary, even if petitioner had Fourth Amendment standing, the result here would be appropriately affirmed on any of three alternative grounds, explained at more length in the government's brief in opposition in Chatrie, supra. See United States v. New York Tel. Co., 434 U.S. 159, 166 n.8 (1977) ("[A] prevailing party may defend a judgment on any ground which the law and the record permit that would not expand the relief it has been granted."). First, Google's provision of limited location information, mostly

^{*} The government has served petitioner with a copy of its brief in Chatrie, which is also available on this Court's online docket.

anonymized, that it possesses about the fraction of its users who opt into a voluntary feature of its services is not a “search” under the Fourth Amendment. See Br. in Opp. at 10-11, Chatrie, supra (No. 25-112). Second, even if this were a search, geofence warrants like the one that a federal magistrate judge issued here satisfy the particularity requirement of the Fourth Amendment’s Warrant Clause. See id. at 11-12.

Third, even if petitioner’s Fourth Amendment rights were violated, petitioner would not be entitled to the suppression of evidence under the good-faith exception to the exclusionary rule. See Gov’t C.A. Br. 31-32. As this Court explained in United States v. Leon, 468 U.S. 897, 919 (1984), suppression under the exclusionary rule is warranted “only if it can be said that the law enforcement officer had knowledge, or may properly be charged with knowledge, that the search was unconstitutional under the Fourth Amendment,” not when they act with good faith. Ibid. (citation omitted). Although the court of appeals did not have occasion to reach the good-faith question, see Pet. App. A9, the district court expressly held that the good-faith exception applied because the officers relied on the geofence warrant in good faith and did not commit any wrongdoing that should be deterred. 2022 WL 3009240, at *9.

2. Petitioner separately challenges (Pet. 19-22) the admission of inculpatory statements that he made during his post-arrest interview, on the grounds that the statements were obtained

in violation of his federal right to prompt presentment before a magistrate judge. See Fed. R. Crim. P. 5(a); 18 U.S.C. 3501(c). As the court of appeals recognized, suppression of statements based on failure to satisfy federal presentment requirements is appropriate only if "a person is arrested or detained for a federal crime." Pet. App. A19-A20 (quoting United States v. Alvarez-Sanchez, 511 U.S. 350, 358 (1994)). This Court has left open the possibility that an exception to the federal-arrest requirement "might" exist if a defendant can demonstrate "improper collaboration between federal and state or local officers." Alvarez-Sanchez, 511 U.S. at 359. But the lower courts correctly rejected petitioner's contention (Pet. 21-22) that the record demonstrates such collusion underlying the state arrest and detention in his case.

The district court found no record evidence of improper collusion, explaining that "MPD's use of the FBI's resources" to help apprehend the suspect of the string of robberies "was the type of 'free and open cooperation' between agencies that is not only permitted but commended." 2022 WL 3452800, at *6 (citation omitted). The court of appeals reviewed that factual finding for clear error and found none. Pet. App. A21. This Court's review of that factbound determination is not warranted, particularly because both lower courts agreed there was no improper coordination here. See, e.g., Kyles v. Whitley, 514 U.S. 419, 456-457 (1995) (Scalia, J., dissenting) ("[U]nder what we have called the 'two-

court rule,' the policy has been applied with particular rigor when district court and court of appeals are in agreement as to what conclusion the record requires.") (citing Graver Tank & Mfg. Co. v. Linde Air Prods. Co., 336 U.S. 271, 275 (1949)).

3. Finally, petitioner renews (Pet. 22-24) his contention that the government presented insufficient evidence that petitioner intended to kill or seriously injure anyone during each of the three carjackings. Petitioner does not allege a conflict with a decision of this Court or another court of appeals. Instead, petitioner's claim amounts to a disagreement with the lower courts' assessment of the trial evidence supporting his conviction. Again, this Court ordinarily does not review such factbound contentions. See Sup. Ct. R. 10; United States v. Johnston, 268 U.S. 220, 227 (1995). And as with the second question presented, adherence to that ordinary practice is especially warranted here because both the court of appeals and the district court concurred that the government had introduced sufficient evidence to support the jury's finding. See Graver Tank & Mfg. Co., 336 U.S. at 275 ("A court of law, such as this Court is, rather than a court for correction of errors in fact finding, cannot undertake to review concurrent findings of fact by two courts below in the absence of a very obvious and exceptional showing of error.").

In all events, the decisions below were correct. Pet. App. A23-A24; 2022 WL 17604404. The lower courts recognized that

petitioner had pointed a gun to his victims' faces and told them to get out of their car, and that the victims testified that they feared for their lives. See Pet. App. A24. Petitioner emphasizes (Pet. 24) that "not a single person got hurt." But as this Court has explained, the intent requirement of the federal carjacking statute does not require the government to prove an unconditional intent to cause serious harm, but rather is satisfied when the government proves that the defendant intended to kill or seriously harm his victims "if that action had been necessary to complete the taking of the car." Holloway v. United States, 526 U.S. 1, 12 (1999). And the jury was specifically instructed that "if you cannot find beyond a reasonable doubt that the defendant intended to cause death or serious bodily harm if the victim refused to turn over the car, then the government has not proved this element of the crime." 2022 WL 17604404, at *3 n.3 (citation omitted).

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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NOVEMBER 2025