

IN THE SUPREME COURT OF THE UNITED STATES

LATISHA ANDERSON, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

D. JOHN SAUER
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-5900

LATISHA ANDERSON, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 5-21) that she should be permitted to appeal her sentence notwithstanding a provision in her plea agreement waiving that right, asserting that it is invalidated by the alleged prosecutorial misconduct that is the subject of her underlying claim. Although this Court could deny the petition as nonjurisdictionally out of time by one day, see Sup. Ct. R. 13.1, 13.3, the Court may wish to hold the petition pending its decision in Hunter v. United States, cert. granted, No. 24-1063 (Oct. 10, 2025). In that case, this Court is considering, inter alia, the potential circumstances under which a defendant may appeal his

sentence notwithstanding an appeal waiver in his plea agreement. Because the Court's decision in Hunter could conceivably affect the proper disposition of the petition for a writ of certiorari, the petition in this case could be held pending the decision in Hunter and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

DECEMBER 2025

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.