

A P P E N D I X

APPENDIX

Decision of the Court of Appeals for the Eleventh Circuit,
United States v. Anthony Christopher Diggs, Jr.,
No. 24-12374 (11th Cir. December 22, 2025)..... A-1

Judgment imposing sentence,
United States v. Anthony Christopher Diggs, Jr.,
No. 23-cr-60138-AHS, DE 295 (S.D. Fla. July 12, 2024)..... A-2

A-1

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12347
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TYRELL BRION BOUIE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:23-cr-60138-AHS-2

No. 24-12374
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

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Opinion of the Court

24-12347

versus

ANTHONY CHRISTOPHER DIGGS, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:23-cr-60138-AHS-3

Before JORDAN, ROSENBAUM, and GRANT, Circuit Judges.

PER CURIAM:

Tyrell Bouie and Anthony Christopher Diggs, Jr. appeal their 18 U.S.C. § 924(c) convictions for brandishing a firearm in relation to a crime of violence, which were predicated on Hobbs Act robbery. On appeal, both appellants argue that the district court lacked jurisdiction over their § 924(c) charges because completed Hobbs Act robbery no longer qualifies as a predicate “crime of violence” under § 924(c)(3)(A)’s elements clause after the Supreme Court’s decision in *United States v. Taylor*, 596 U.S. 845 (2022).

We review de novo whether an offense is a qualifying crime of violence under § 924(c). *See United States v. Wiley*, 78 F.4th 1355, 1360 (11th Cir. 2023). And we review de novo the subject matter jurisdiction of the district court. *See United States v. Gruezo*, 66 F.4th 1284, 1290 (11th Cir. 2023).

“Federal district courts have original jurisdiction . . . of all offenses against the laws of the United States.” *United States v. Wilson*,

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979 F.3d 889, 902 (11th Cir. 2020) (quotation marks omitted). Accordingly, “so long as the indictment charges the defendant with violating a valid federal statute as enacted in the United States Code, it alleges an offense against the laws of the United States, and, thereby, invokes the district court’s subject-matter jurisdiction.” *Id.* (quotation marks and alteration omitted).

We have held that Hobbs Act robbery “clearly” qualifies as a crime of violence under § 924(c)(3)(A)’s elements clause, noting that it “has as an element the use, attempted use, or threatened use of physical force against the person or property of another.” *In re St. Fleur*, 824 F.3d 1337, 1340 (11th Cir. 2016).

In *Taylor*, the Supreme Court resolved a circuit split and held that attempted Hobbs Act robbery does not qualify as a predicate crime of violence under § 924(c)(3)(A)’s elements clause. *See Taylor*, 596 U.S. at 849-52. The Court explained that, to prove attempted Hobbs Act robbery, the government must show that the defendant intended to unlawfully take or obtain personal property by means of actual or threatened force and completed a “substantial step” toward that end. *See id.* at 851. But the Court noted that, while the government would have to show that the defendant took an “unequivocal” and “significant” step towards committing robbery, it need not show that the defendant actually used, attempted to use, or even threatened to use force, as required by § 924(c). *See id.* at 851-52. Therefore, the Court concluded that attempted Hobbs Act robbery was not categorically a crime of violence under § 924(c)(3)(A)’s elements clause. *See id.* at 852. In so holding, the

Court in *Taylor* rejected the “realistic probability” test set out in *United States v. St. Hubert*, 909 F.3d 335, 352-53 (11th Cir. 2018), as well as *St. Hubert*’s reasoning that, because a completed Hobbs Act robbery qualifies as a crime of violence, an attempted Hobbs Act robbery must qualify as well. *See Taylor*, 596 U.S. at 852-59 (citing *St. Hubert*, 909 F.3d at 352-53).

In *Wiley*, decided after *Taylor*, we held that aiding and abetting Hobbs Act robbery is a crime of violence, reasoning that “*Taylor* did not disturb [our] holding that completed Hobbs Act robbery is a crime of violence.” *Wiley*, 78 F.4th at 1365. We recently confirmed that “*Taylor* says nothing of the completed crime of Hobbs Act robbery and thus does not disturb [our] precedent holding that Hobbs Act robbery is a crime of violence.” *United States v. Solomon*, 136 F.4th 1310, 1318 (11th Cir. 2025). First, we rejected the contention that *Wiley* was inapposite to convictions for completed robbery, explaining that “aiding and abetting a Hobbs Act robbery is a crime of violence because a completed Hobbs Act robbery is, itself, a crime of violence.” *Id.* at 1321. Second, we rejected the appellants’ assertion that *Wiley* was not controlling because their appeal raised new arguments not considered in *Wiley*. *See id.* Thus, we concluded that the appellants’ request “to avoid *Wiley*’s resolution of an issue, based on unraised arguments [] is foreclosed by *Lambrix* and does not implicate *Jackson* and *Webster*.” *Id.*

Nevertheless, in *Solomon* we considered and rejected the appellants’ specific arguments. *See id.* First, we concluded that *Wiley* rendered meritless the argument that Hobbs Act robbery was not

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a crime of violence after *Taylor* because *Taylor* abrogated *St. Hubert*. *See id.* Second, we explained that, although *Taylor* abrogated the “realistic probability” test used in *St. Hubert*, that did not “advance the appellants’ cause” because we held in *St. Fleur* that Hobbs Act robbery “require[s] the use, attempted use, or threatened use of physical force.” *Id.* Third, we confirmed that the Hobbs Act statute is divisible as to robbery and attempted robbery. *Id.* Fourth, we declined to ignore *St. Fleur* on the ground that it “arose in a collateral context without true adversarial briefing,” stating that the prior-panel-precedent rule still applies. *See id.* Fifth, we rejected the argument that, based on our pattern jury instructions, the least culpable conduct for Hobbs Act robbery was “taking personal property against the victim’s will by threatening the victim’s intangible property *e.g.*, threat of financial harm.” *Id.* We explained that “jury instructions are not binding law” and that cases before and after *Taylor* concluded that “Hobbs Act robbery cannot be accomplished without the use, attempted use, or threatened use of force.” *Id.*

Here, the appellants’ § 924(c) arguments are foreclosed by our binding precedent, including *Solomon*. The district court did not err in determining that completed Hobbs Act robbery remains a crime of violence after *Taylor* and, therefore, a valid predicate offense for the appellants’ § 924(c) convictions.

AFFIRMED.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

December 22, 2025

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 24-12347-EE ; 24-12374 -EE
Case Style: USA v. Tyrell Bouie
District Court Docket No: 0:23-cr-60138-AHS-2

Opinion Issued

Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing

The time for filing a petition for panel rehearing or rehearing en banc is governed by 11th Cir. R. 40-2. Please see FRAP 40 and the accompanying circuit rules for information concerning petitions for rehearing.

Costs

No costs are taxed.

Bill of Costs

If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.ca11.uscourts.gov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees

The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

OPIN-1 Ntc of Issuance of Opinion

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

UNITED STATES OF AMERICA

§ **JUDGMENT IN A CRIMINAL CASE**

v.

§

§

§ Case Number: **0:23-CR-60138-AHS(3)**

ANTHONY CHRISTOPHER DIGGS, JR

§

§

§

§

§ USM Number: **68926-510**

§ Counsel for Defendant: **Timothy Day**

§ Counsel for United States: **Deric Zacca/Vanessa Bonhomme**

THE DEFENDANT:

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	1 ,7 and 8 of the Indictment
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

<u>Title & Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:U.S.C.§1951(a) Conspiracy To Commit Robbery	10/2022	1
18:U.S.C.§1951(a)Robbery	10/04/2022	7
18:U.S.C.§924(c)(1)(A) Brandishing A Firearm In Relation To A Crime Of Violence	10/04/2022	8

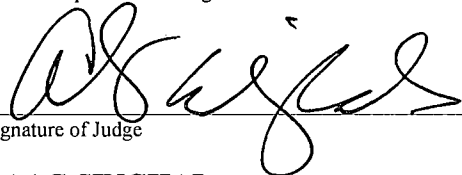
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- Remaining Counts is are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

July 11, 2024

Date of Imposition of Judgment


Signature of Judge

**RAAG SINGHAL
UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

12 July 2024
Date

DEFENDANT: ANTHONY CHRISTOPHER DIGGS, JR.
CASE NUMBER: 0:23-CR-60138-AHS(3)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **108 months. 24 months as to count 1, 24 months as to count 7, both to run concurrently with each other; 84 months as to count 8 to run consecutive to counts 1 and 7.**

The court makes the following recommendations to the Bureau of Prisons:
Defendant be placed in a facility in South Florida to be nearest to family

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at a.m. p.m. on

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 12 p.m. on September 11, 2024

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ANTHONY CHRISTOPHER DIGGS, JR
CASE NUMBER: 0:23-CR-60138-AHS(3)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **five (5) years, count 8 and three (3) years as to counts 1 and 7, all terms to run concurrent.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: ANTHONY CHRISTOPHER DIGGS, JR
CASE NUMBER: 0:23-CR-60138-AHS(3)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at www.flsp.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: ANTHONY CHRISTOPHER DIGGS, JR
CASE NUMBER: 0:23-CR-60138-AHS(3)

SPECIAL CONDITIONS OF SUPERVISION

Association Restriction: The defendant is prohibited from associating with his co-defendants while on supervised release.

Financial Disclosure Requirement: The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

Permissible Search: The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Unpaid Restitution, Fines, or Special Assessments: If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

DEFENDANT: ANTHONY CHRISTOPHER DIGGS, JR
CASE NUMBER: 0:23-CR-60138-AHS(3)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$300.00	\$.00	\$.00		

- The determination of restitution is deferred until 10/8/2024. An *Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- Restitution amount ordered pursuant to plea agreement \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the schedule of payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution
 - the interest requirement for the fine restitution is modified as follows:

Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the amount of **\$.00**. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of \$25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney’s Office shall monitor the payment of restitution and report to the court any material change in the defendant’s ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, 18 U.S.C. §2259.
** Justice for Victims of Trafficking Act of 2015, 18 U.S.C. §3014.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ANTHONY CHRISTOPHER DIGGS, JR
CASE NUMBER: 0:23-CR-60138-AHS(3)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payments of \$300.00 due immediately, balance due

It is ordered that the Defendant shall pay to the United States a special assessment of \$300.00 for Counts 1, 7 and 8 , which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court. Payment is to be addressed to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several
See above for Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- The defendant shall forfeit the defendant's interest in the following property to the United States:
FORFEITURE of the defendant's right, title and interest in certain property is hereby ordered consistent with the plea agreement. The United States shall submit a proposed Order of Forfeiture within three days of this proceeding.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.