

IN THE SUPREME COURT OF THE UNITED STATES

HASSAN ABBAS, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether the district court erred in applying an increase to the offense level for petitioner's money-laundering conspiracy offense under Sentencing Guidelines § 2S1.1(b)(2)(B) and (3) (2021).

2. Whether the district court erred in determining the base offense level for petitioner's fraud offenses under Sentencing Guidelines § 2B1.1(a)(1) (2021).

3. Whether the district court erred in finding that petitioner was not entitled to an offense-level reduction as a "zero-point offender" under Sentencing Guidelines § 4C1.1 (2024).

4. Whether the district court erred in the scope of conduct that it considered in increasing petitioner's offense level by 16 levels under Sentencing Guidelines § 2B1.1(b)(1)(I) (2021) based on the loss stemming from his fraud offense, and in ordering restitution.

RELATED PROCEEDINGS

United States District Court (D. Mass.):

United States v. Abbas, No. 20-cr-10016 (Nov. 1, 2022)

United States v. Abbas, No. 20-cr-10016 (Sept. 10, 2024)

United States Court of Appeals (1st Cir.):

United States v. Abbas, No. 22-1864 (Apr. 29, 2024)

United States v. Abbas, No. 24-1831 (Jan. 29, 2026)

Supreme Court of the United States:

Abbas v. United States, No. 24-5172 (Oct. 7, 2024)

IN THE SUPREME COURT OF THE UNITED STATES

No. 26-5159

HASSAN ABBAS, PETITIONER

v.

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1-36) is reported at 165 F.4th 659. A prior opinion of the court of appeals is reported at 100 F.4th 267.

JURISDICTION

The judgment of the court of appeals was entered on January 29, 2026. A petition for rehearing was denied on April 21, 2026. The petition for a writ of certiorari was filed on July 20, 2026. 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 District of Massachusetts, petitioner was convicted on two counts of wire fraud, in violation of 18 U.S.C. 1343; one count of money laundering, in violation of 18 U.S.C. 1956(a)(1)(B)(i); two counts of engaging in unlawful monetary transactions, in violation of 18 U.S.C. 1957; and one count of conspiring to commit money laundering, in violation of 18 U.S.C. 1956(h). Judgment 1-2. He was sentenced to 108 months of imprisonment, to be followed by three years of supervised release. Judgment 3-4. The court of appeals affirmed petitioner's convictions for wire fraud and conspiring to commit money laundering, vacated his convictions for money laundering and engaging in unlawful monetary transactions, and remanded for resentencing. 100 F.4th 267. This Court denied a petition for a writ of certiorari. 145 S. Ct. 319 (No. 24-5172). On remand, petitioner was resentenced to 87 months of imprisonment, to be followed by three years of supervised release. Am. Judgment 2-3. The court of appeals affirmed. Pet. App. 1-36.

1. Petitioner resided in Chicago and operated a private law practice there. 100 F.4th at 274. Over the course of several years, he formed "fake companies" and "opened bank accounts" for those companies, into which fraud victims wired money. Pet. App.

2. Petitioner "frequently withdrew funds for personal expenses"

from the accounts with the victims' funds and "redistributed" funds from those accounts "across other accounts -- some to accounts in [his] name, others for entities he created, or to entities set up in his daughter's name." 100 F.4th at 276.

In one form of the fraud, the accounts would receive money from victims "after [petitioner's] co-schemers conned them into thinking that they'd be helping a romantic partner." Pet. App. 2. For example, Evelyn Fessenden, a retiree in Massachusetts, was contacted on a dating site by a user posing as a widower named James Deere. 100 F.4th at 275. At Deere's direction, Fessenden wired \$111,000 to accounts associated with one of petitioner's companies. Id. at 275-276. Another victim, Fabyan Pierro of New York, was deceived by someone posing as a military officer and induced to wire \$60,000 to one of petitioner's accounts. Id. at 276. Neither Fessenden nor Pierro "ever retrieved the funds that they wired." Ibid.

Another form of fraud involved petitioner's coschemers convincing victims to wire funds on the fictitious premise that they were "completing a business deal," Pet. App. 2, such as purchasing a home, see 100 F.4th at 275. For example, Maclover Linhares, a first-time homebuyer in Massachusetts, received a spoofed email purporting to be from his attorney and wired \$30,427 to an Illinois bank account controlled by petitioner. Ibid. Another victim, Pak Sum Low, had retained a law firm to help sell his house in Kenya.

Pet. App. 19-20. Someone pretending to be Low induced the firm to wire \$973,276 of Low's money -- the proceeds of the home sale -- to an Illinois bank account controlled by petitioner. Ibid. Low "never s[aw] a penny from the sale." Id. at 20.

2. A grand jury in the District of Massachusetts charged petitioner with two counts of wire fraud, in violation of 18 U.S.C. 1343; one count of money laundering, in violation of 18 U.S.C. 1956(a)(1)(B)(i); two counts of engaging in unlawful monetary transactions, in violation of 18 U.S.C. 1957; and one count of conspiring to launder money, in violation of 18 U.S.C. 1956(h). 100 F.4th at 277. The indictment identified two objects for the money-laundering conspiracy: concealment money laundering, in violation of 18 U.S.C. 1956(a)(1)(B)(i) (Count 6(a)); and engaging in unlawful monetary transactions, in violation of 18 U.S.C. 1956(h) (Count 6(b)). 100 F.4th at 277.

A jury found petitioner guilty on all counts except Count 6(a). 100 F.4th at 279. The district court sentenced him to 108 months of imprisonment, to be followed by three years of supervised release. Judgment 3-4. The court of appeals affirmed in part, vacated in part, and remanded. 100 F.4th at 293. It affirmed petitioner's convictions for wire fraud and conspiring to commit money laundering, id. at 280-282, 288-293, but vacated, based on improper venue, his convictions for money laundering and engaging in unlawful monetary transactions, id. at 282-288. This Court

denied petitioner's request for a writ of certiorari. 145 S. Ct. 319. The government did not seek to retry petitioner on the vacated counts.

3. On remand for resentencing, the district court calculated petitioner's advisory Sentencing Guidelines range as 108 to 135 months of imprisonment. Pet. App. 2. The court determined that the key conviction for Guidelines purposes was the conviction for conspiring to commit money laundering, which is governed by Sentencing Guidelines § 2S1.1 (2021).¹ Pet. App. 4-5. Under Section 2S1.1(a)(1), the base offense level for that offense is "[t]he offense level for the underlying offense from which the laundered funds were derived, if (A) the defendant committed the underlying offense * * * ; and (B) the offense level for that offense can be determined." Sentencing Guidelines § 2S1.1(a)(1).

Petitioner derived his laundered funds from wire fraud, which comprised two counts of conviction. Pet. App. 6. The district court therefore turned to the fraud guideline, which specifies a base offense level of seven "if (A) the defendant was convicted of an offense referenced to this guideline; and (B) that offense of conviction has a statutory maximum term of imprisonment of 20 years or more." Sentencing Guidelines § 2B1.1(a)(1). Otherwise, the

¹ Except where noted, all citations of the Sentencing Guidelines in this brief refer to the 2021 edition. See Pet. App. 3 n.2.

base offense level is six. Id. § 2B1.1(a)(2). Commentary to that guideline states that “[f]or purposes of subsection (a)(1), an offense is ‘referenced to this guideline’ if * * * this guideline is the applicable Chapter Two guideline specifically referenced in Appendix A (Statutory Index) for the offense of conviction.” Id. § 2B1.1, comment. (n.2(A)). Because Appendix A cites Section 2B1.1 as the applicable guideline for wire fraud, petitioner was convicted of wire fraud, and wire fraud carries a statutory maximum term of imprisonment of at least 20 years, see 18 U.S.C. 1343, the court applied a base offense level of seven in accordance with Sentencing Guidelines § 2B1.1(a)(1). See Pet. App. 7.

The district court then applied several offense-level enhancements to petitioner: two levels for being convicted under 18 U.S.C. 1956, Sentencing Guidelines § 2S1.1(b)(2)(B); two levels for an offense involving “sophisticated laundering,” id. § 2S1.1(b)(3); and 16 levels for an offense causing a loss of more than \$1.5 million, id. § 2B1.1(b)(1)(I). See Pet. App. 11, 17. The court declined to apply a new guideline providing for a two-level reduction for certain offenders with zero criminal-history points, because the reduction is available only to defendants who, among other things, “did not personally cause substantial financial hardship” to others. Sentencing Guidelines § 4C1.1(a)(6) (2024); see Pet. App. 25 & n.10 (noting that Section 4C1.1 “applies retroactively”).

The district court sentenced petitioner to 87 months of imprisonment, below the advisory Guidelines range of 108 to 135 months. Am. Judgment 2-3; Pet. App. 2. The court also ordered petitioner to pay approximately \$2 million in restitution. Am. Judgment 6.

4. The court of appeals affirmed. Pet. App. 1-36.

The court of appeals rejected petitioner's contention that his base offense level should have been six rather than seven under Sentencing Guidelines § 2B1.1(a) because conspiring to commit money laundering is not an offense "referenced to th[at] guideline" by Appendix A. Id. § 2B1.1(a)(1); see Pet. App. 7-11. The court likewise rejected petitioner's challenge to his money-laundering enhancements under Section 2S1.1(b). Pet. App. 11-17. Petitioner invoked commentary to that guideline, Application Note 3(C), stating that the Section 2S1.1(b)(2)(B) enhancement "shall not apply if the defendant was convicted of a conspiracy under 18 U.S.C. § 1956(h) and the sole object of that conspiracy was to commit an offense set forth in 18 U.S.C. § 1957." Sentencing Guidelines § 2S1.1, comment. (n.3(C)). But the court determined that Note 3(C) applies only in cases governed by Section 2S1.1(a)(2), not cases -- like petitioner's -- governed by Section 2S1.1(a)(1). Pet. App. 12-17.

The court of appeals next upheld the 16-level loss-amount enhancement. Pet. App. 17-25. It rejected petitioner's contention

that the inclusion of the \$973,276 loss by Pak Sum Low (the home seller in Kenya, see pp. 3-4, supra) rested on an impermissible extraterritorial application of the wire-fraud statute. Pet. App. 19-25. The court explained that even if the statute did not apply to extraterritorial conduct, petitioner had failed to show that the conduct at issue in his loss calculation was extraterritorial. Id. at 23. In particular, the court observed that petitioner had not argued that conduct involving money being "fraudulently redirected from Low to the [petitioner]-controlled account in Illinois via a wire transmission originating internationally but received domestically" would not be "a permissible domestic application of the statute." Ibid. And the court rejected petitioner's extraterritoriality-based challenge to his restitution order for the same reasons. Id. at 34-36.

Finally, the court of appeals found that petitioner was not entitled to the offense-level reduction for zero-point offenders under Sentencing Guidelines § 4C1.1 (2024). Pet. App. 25-28. The court observed that petitioner had "conceded that the scheme caused Evelyn Fessenden substantial financial hardship." Id. at 26. And the court found that petitioner had made "no real attempt to engage with the [district court's] ruling that the phrase 'personally caused'" in Section 4C1.1(a)(6) "can sometimes cover jointly undertaken activity" and does not require direct contact between the defendant and the victim. Id. at 27 (emphasis omitted); see id.

at 28 (finding "doubly waived" petitioner's argument that "'personally caused' requires courts to consider but-for and proximate causation") (brackets omitted).

ARGUMENT

Petitioner renews (Pet. 8-22) his contentions that the district court misapplied the Sentencing Guidelines and erred in ordering certain restitution. The court of appeals correctly rejected those contentions, and they do not otherwise warrant this Court's review. Most of petitioner's claims involve the interpretation of the Sentencing Guidelines, and this Court ordinarily does not review decisions interpreting the Guidelines because the Sentencing Commission can amend the Guidelines to eliminate any conflict or correct any error. See Braxton v. United States, 500 U.S. 344, 347-349 (1991); Buford v. United States, 532 U.S. 59, 66 (2001). In any event, the decision below does not implicate any circuit conflict that warrants this Court's intervention. The petition for a writ of certiorari should be denied.

1. The court of appeals correctly rejected petitioner's challenge to the imposition of the money-laundering offense-level enhancements under Sentencing Guidelines § 2S1.1(b)(2)(B) and (3). Petitioner's challenge relies on Section 2S1.1's Application Note 3(C), which states that the predicate Subsection (b)(2)(B) enhancement "shall not apply if the defendant was convicted of a conspiracy under 18 U.S.C. § 1956(h) and the sole object of that

conspiracy was to commit an offense set forth in 18 U.S.C. § 1957." Sentencing Guidelines § 2S1.1, comment. (n.3(C)). As the court explained, "Note 3(C) comes under the caption 'Application of Subsection (a)(2),' " which indicates that "it controls only when the base level comes from USSG § 2S1.1(a)(2)" -- unlike here, where petitioner's "base offense level came from USSG § 2S1.1(a)(1)." Pet. App. 12.

Petitioner invokes the principle that "the title of a statute and the heading of a section cannot limit the plain meaning of the text." Pet. 9 (brackets and citation omitted). But even assuming that that principle applies to Guidelines commentary and to headings as clear as Note 3's, the court of appeals did not rely exclusively on the heading, as petitioner acknowledges. Pet. 10. It also relied on the Sentencing Commission's amendment of Section 2S1.1 in 2001 to subject "direct" money launderers like petitioner, covered by Section 2S1.1(a)(1), to greater offense levels than "third-party" launderers covered by Section 2S1.1(a)(2). Ibid.; see Pet. App. 5 n.6, 16. And the text of Note 3 further supports the court of appeals' interpretation of Note 3(C): for example, the umbrella paragraph in Note 3(A) describes the general import of Section 2S1.1(a)(2) and thereby reinforces that the entire application note is limited to that Guidelines provision. See Sentencing Guidelines § 2S1.1, comment. (n.3(A)); cf. Southwest Airlines Co. v. Saxon, 596 U.S. 450, 455 (2022) (statutory provisions

"must be read and interpreted in their context, not in isolation") (citation and internal quotation marks omitted).

Petitioner views (Pet. 10-12) the court of appeals' approach as inconsistent with 18 U.S.C. 1956(h), which provides that "[a]ny person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy." But that provision simply means that defendants who conspire to violate Section 1956 or 1957 are exposed to the same statutory penalties as those who commit substantive violations of those statutes; it does not mean that direct and third-party launderers must be treated identically at sentencing under the Sentencing Guidelines.

Petitioner asserts (Pet. 8-9, 12-14) a divergence between the decision below and the Seventh Circuit's decision in United States v. Tedder, 403 F.3d 836, cert. denied, 546 U.S. 1075 (2005). But any disagreement between the First and Seventh Circuits on the first question presented does not warrant this Court's review. Even assuming that circuit disagreement on Guidelines-interpretation questions might sometimes warrant this Court's review, but see p. 9, supra, the asserted disagreement would not. As the court of appeals explained below (Pet. App. 15-16), the Seventh Circuit was not presented with the same arguments that were presented here, and thus did not address -- let alone reject -- the reasoning of

the decision below. See Tedder, 403 F.3d at 843. Furthermore, Tedder itself is more than 20 years old; "no other circuit court has adopted [the Tedder view] in the 20 years it's been on the books," Pet. App. 16; and petitioner himself describes the Note 3(C) issue as a "rarity," Pet. 13.²

2. The court of appeals also correctly rejected petitioner's contention that the district court erred in applying a base offense level of seven under Sentencing Guidelines § 2B1.1(a)(1). To calculate the base offense level for defendants like petitioner, Section 2S1.1 designates as the relevant offense "the underlying offense from which the laundered funds were derived." Sentencing Guidelines § 2S1.1(a)(1). There is no disagreement that here, the underlying offense was wire fraud, which leads the reader to Section 2B1.1. Pet. App. 6. And Section 2B1.1(a)(1) applies "if (A) the defendant was convicted of an offense referenced to this guideline; and (B) that offense of conviction has a statutory maximum term of imprisonment of 20 years or more." Ibid. (citation and emphases omitted). That provision therefore squarely applies to petitioner: he was convicted of

² Because petitioner raises only an issue of how an application note in Guidelines commentary should be interpreted, not how much weight that the application note (on which he relies) should receive, there is no need to hold this case pending the disposition of Beaird v. United States, No. 25-5343 (argued Oct. 13, 2026), which concerns the weight to be afforded to Guidelines commentary.

wire fraud, which Appendix A to the Sentencing Guidelines "reference[s] to" Section 2B1.1, and that offense carries a statutory maximum prison term of at least 20 years. Sentencing Guidelines § 2B1.1(a)(1); see 18 U.S.C. 1343.

Petitioner posits (Pet. 14-15) that application of Section 2B1.1(a)(1) was improper, on the theory that the relevant "offense" under Section 2B1.1(a)(1)(A) was his conviction for conspiring to commit money laundering, which is referenced by Appendix A to Section 2S1.1, not Section 2B1.1. But the plain text of Section 2B1.1(a)(1) requires only that "the defendant was convicted of an offense referenced to this guideline," which indisputably describes petitioner, who was convicted of two counts of wire fraud -- an offense that Appendix A references to Section 2B1.1. Sentencing Guidelines § 2B1.1(a)(1)(A) (emphasis added); see Pet. App. 7-9; United States v. Otunyo, 63 F.4th 948, 956-957 (D.C. Cir. 2023) (rejecting the same theory pressed by petitioner).

Petitioner also errs (Pet. 15-16) in contending that the decision below conflicts with decisions of the Fourth, Sixth, Seventh, and Ninth Circuits. In those cases, unlike here, the "underlying offense[s]," Sentencing Guidelines § 2S1.1(a)(1), that were referenced to Section 2B1.1 lacked the statutory maximum term of imprisonment required by Section 2B1.1(a)(1)(A). See United States v. Osuji, 413 Fed. Appx. 603, 613 (4th Cir. 2011) ("The underlying offense was health care fraud in violation of 18 U.S.C.

§ 1347," which "subjected Defendants to a maximum term of ten years' imprisonment"); United States v. Abdelsalam, 311 Fed. Appx. 832, 845 (6th Cir. 2009) (receipt of stolen property, in violation of 18 U.S.C. 2315, which has a ten-year maximum); United States v. Hallahan, 756 F.3d 962, 976 (7th Cir.) (conspiracy to commit mail and bank fraud, in violation of 18 U.S.C. 371, which has a five-year maximum), cert. denied, 574 U.S. 1000 (2014); United States v. Klassy, 409 Fed. Appx. 169, 171 (9th Cir. 2011) (perjury and fraudulent concealment of property in connection with bankruptcy, in violation of 18 U.S.C. 152, which have five-year maximums).

The cited decisions therefore stand, at most, for the proposition that the maximum term for the money-laundering offense itself (as opposed to the maximum term for an underlying offense for which the defendant was convicted) is not relevant under Section 2B1.1(a)(1). Moreover, three of the decisions are nonprecedential; the other involved an uncontested error (for which relief was in any event denied under the plain-error standard), Hallahan, 756 F.3d at 979-980; and all simply involve a Guidelines-interpretation issue of the sort that does not normally warrant this Court's review, see p. 9, supra. And the Sentencing Commission "training materials" to which petitioner alludes (Pet. 16) similarly involved a materially different factual scenario, as the court of appeals explained. Pet. App. 10. And even if they were inconsistent with the court of appeals' decision here, the

inconsistency would be paradigmatic of the type of Guidelines matter best left to the Sentencing Commission, see Braxton, 500 U.S. at 347-349.

3. The court of appeals correctly affirmed the district court's decision not to apply an offense-level reduction for zero-point offenders under Sentencing Guidelines § 4C1.1 (2024). Such a reduction applies only if, among other things, "the defendant did not personally cause substantial financial hardship." Id. § 4C1.1(a)(6). Petitioner "conceded" that his scheme "caused Evelyn Fessenden substantial financial hardship" when one of his confederates "sweet-talked her into wiring \$110,000 to one of [petitioner's] accounts," money that Fessenden never recovered. Pet. App. 26; see 100 F.4th at 276. And the district court correctly rejected petitioner's contention that Section 4C1.1(a)(6) is inapplicable unless the defendant directly "communicated with," "solicited * * * funds" from, or "deceived" the victim. Pet. App. 26 (brackets omitted).

Petitioner argues (Pet. 17-19) that the phrase "personally cause[d]" in Section 4C1.1(a)(6) requires proximate in addition to but-for causation. But the court of appeals found petitioner to have "doubly waived" his proximate-cause argument, and declined to address it. Pet. App. 28. This Court is "a court of review, not of first view." Cutter v. Wilkinson, 544 U.S. 709, 718 n.7 (2005). Moreover, even assuming that petitioner had preserved his

proximate-cause theory and that theory were correct, the facts of this case would support a finding of proximate causation. The district court accepted that "simply being a co-conspirator in a fraud scheme wouldn't suffice to show 'personally cause[d],' " but nonetheless described the case in a manner indicating that such causation was present here, observing that petitioner's role was an "integral" and "necessary part of the scheme" that injured Fessenden. Pet. App. 27 (brackets in original).

Petitioner does not suggest that the Section 4C1.1 issue implicates any disagreement among the courts of appeals. See Pet. 17-19. And to the extent that petitioner would contest the district court's determination that he personally caused Fessenden's losses, this Court "do[es] not grant a certiorari to review evidence and discuss specific facts." United States v. Johnston, 268 U.S. 220, 227 (1925). Doing so would be particularly unwarranted here, because petitioner's failure to preserve his proximate-cause theory below would at least complicate this Court's review.

4. Petitioner's final contention is that the district court's loss-amount and restitution decisions rested on an impermissible extraterritorial application of the wire-fraud statute because they incorporated Pak Sum Low's loss of \$973,276 in proceeds from the sale of his home in Kenya. Pet. 19-22. Under the "presumption against extraterritoriality," "[a]bsent clearly expressed congressional intent to the contrary, federal laws will be

construed to have only domestic application.” RJR Nabisco, Inc. v. European Cmty., 579 U.S. 325, 335 (2016). But the presumption does not preclude a statute’s application if either (1) the statute contains “a clear, affirmative indication that it applies extra-territorially,” or (2) “the case involves a domestic application of the statute,” which is assessed “by looking to the statute’s ‘focus.’” Id. at 337.

The court of appeals correctly recognized that applying the wire-fraud statute to petitioner’s conduct with respect to Pak Sum Low was a domestic application of the statute, obviating a need to determine whether the statute applies extraterritorially. Pet. App. 23-24. This case is relevantly similar to Pasquantino v. United States, 544 U.S. 349 (2005), in which this Court held that the wire-fraud statute was domestically applied to the defendants’ use of “U.S. interstate wires to execute a scheme to defraud a foreign sovereign of tax revenue.” Id. at 371. The Court explained that “[t]his domestic element of [the] conduct is what the Government is punishing in th[e] prosecution, no less than when it prosecutes a scheme to defraud a foreign individual or corporation, or a foreign government acting as a market participant.” Ibid.; see also id. at 371-372 (noting that “[i]n any event, the wire fraud statute punishes frauds executed ‘in interstate or foreign commerce,’ so this is surely not a statute in which Congress had only ‘domestic concerns in mind’”) (citations omitted).

Analogous logic applies here: in defrauding Low, petitioner carried out his "integral part of the wire-fraud scheme" in Illinois and received the "fraudulently redirected" funds "via a wire transmission originating internationally but received domestically." Pet. App. 23 (emphasis omitted). Petitioner's assertion that his fraud offense was "completely foreign," Pet. 19, disregards the location of his own conduct in furtherance of the fraud scheme. Petitioner does not contend that the court of appeals' decision conflicts with the decision of another court of appeals. See Pet. 19-22. And to the extent that he might frame the issue as a claim about the scope of relevant conduct under the Sentencing Guidelines, such a claim would require resolution of the threshold question -- which multiple courts of appeals have decided adversely to his position here -- of whether the presumption against extraterritoriality even applies to the scope of relevant conduct under the Sentencing Guidelines. See United States v. Spence, 923 F.3d 929, 935 (11th Cir. 2019), cert. denied, 589 U.S. 1210 (2020); cf. 18 U.S.C. 3661 ("No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.").

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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