19-5410 BORDEN V. UNITED STATES

DECISION BELOW: 769 Fed.Appx. 266

LOWER COURT CASE NUMBER: 18-5409

QUESTION PRESENTED:

1. Does the "use of force" clause in the Armed Career Criminal Act (the "ACCA"), 18 U.S.C. § 924(e)(2)(B)(i) encompass crimes with a *mens rea* of mere recklessness?

2. Did the district court violate Mr. Borden's due process rights when it applied to his sentencing a newer, more punitive interpretation of law than that which was in force at the time of his federal offense, such that his guidelines were enhanced from 77 to 96 months to a mandatory minimum sentence of 15 years to life in prison?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 3/2/2020