

2D CIR.

United States v. Jones

No. 16-1050-cr, 2d Cir. (March 23, 2020)

SUMMARY

Second Circuit vacated a conviction for brandishing a firearm during a crime of violence (18 U.S.C. § 924(c)(1)(A)(ii)) because Hobbs Act robbery conspiracy does not qualify as a "crime of violence" under § 924(c). Following **United States v. Davis** (2019) and **United States v. Barrett** (2d Cir. 2019), the court held that the residual clause of § 924(c)(3)(B) is unconstitutionally vague and that Hobbs Act conspiracy fails the elements clause of § 924(c)(3)(A). The case was remanded for further proceedings.

CASE DETAILS

COURT	2d Cir.
WRITING FOR THE COURT	Per Curiam; Rosemary S. Pooler; Gerard E. Lynch; Paul A. Engelmayer
JURISDICTION	Federal
DECIDED	March 23, 2020
DOCKET	16-1050-cr
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from conviction after jury trial
STANDARD OF REVIEW	de novo
PRECEDENTIAL VALUE	unpublished
PARTIES	Brian Jones v. United States of America

TOPICS

criminal procedure

conspiracy

statutory interpretation

constitutional law

appellate procedure

PRACTICE AREAS

criminal law

federal criminal appeals

QUESTIONS PRESENTED

1. Whether Hobbs Act robbery conspiracy qualifies as a crime of violence under 18 U.S.C. § 924(c)(3)(A) or (B).

KEY QUOTATIONS

“The Supreme Court in United States v. Davis, 139 S. Ct. 2319 (2019), held that Section 924(c)(3)(B) is unconstitutionally vague. And following the Supreme Court's decision in Davis, this Circuit concluded that Hobbs Act robbery conspiracy does not qualify as a Section 924(c) crime of violence. United States v. Barrett, 937 F.3d 126, 127 (2d Cir. 2019).”

FACTUAL BACKGROUND

The opinion does not detail the underlying facts; it assumes familiarity. Jones was convicted of conspiracy to commit Hobbs Act robbery and brandishing a firearm during a crime of violence.

PROCEDURAL HISTORY

Jones was convicted after a jury trial in the Eastern District of New York of conspiracy to commit Hobbs Act robbery and brandishing a firearm during a crime of violence. He was sentenced to 132 months. He appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

for further proceedings consistent with this order

CITED IN

- United States v. Jones, United States v. Jones, 980 F.3d 1098 (6th Cir. 2020)
- United States v. Jones, United States v. Jones, 962 F.3d 1290 (11th Cir. 2020)
- United States v. Jones, United States v. Jones, 980 F.3d 1098, 1112, 1114–16 (6th Cir. 2020)

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