

**U.S. Department of Justice**

Criminal Division

*Appellate Section**Washington, D.C. 20530*

September 12, 2016

The Honorable Patricia S. Connor
Clerk of Court
United States Court of Appeals
For the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: U.S. v. Shaquille Robinson, No. 14-4902

Dear Ms. Connor:

Pursuant to Fed. R. Crim. P. 28(j), the following three supplemental citations of authority are furnished to the Court:

In Utah v. Strieff, 136 S. Ct. 2056 (2016), the Supreme Court ruled that identification evidence seized during an illegal arrest was admissible based on the attenuation exception to the exclusionary rule. In rejecting the defendant's argument that the Court's ruling would lead to unlawful dragnet searches, the Court stated, among other things, that such conduct would expose the police of civil liability, and that, in any event, there was no evidence that the concerns raised by the defendant were present in the jurisdiction in which the illegal arrest occurred. Id. at 2064. Strieff is relevant to our argument that allowing police officers to frisk suspects who are armed and dangerous will not have a disproportionate adverse effect on any community. See Gov't Pet. for Reh'g En Banc at 13-14.

In Michigan v. Long, 463 U.S. 1032, 1052 n. 16 (1983), the Supreme Court stated that "we have expressly rejected the view that the validity of a Terry search depends on whether the weapon is possessed in accordance with state law." Long directly supports our argument on this point. See Gov't Pet. for Reh'g En Banc at 6.

Effective May 24, 2016, West Virginia enacted an amendment to its firearm statutes to allow any person 21 years or older who is legally able to purchase a handgun to carry the weapon concealed without the need of obtaining a permit. See West Virginia Statute § 61-7-7.

Please distribute this letter to every judge as this is an en banc case. Oral argument is scheduled for September 22, 2016.

Yours very truly,

Thomas E. Booth
Attorney
Department of Justice
950 Pennsylvania Avenue; Room 1511
Washington, DC 20044
(202) 514-5201
Thomas.Booth@usdoj.gov