

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

ROBERT MORSS,

Defendant.

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Criminal No. 21-CR-40

**GOVERNMENT’S
SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF PRE-TRIAL DETENTION**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this supplemental memorandum in support of its oral motion that the Defendant, Robert Morss, be detained pending trial pursuant to 18 U.S.C. § 3142(f)(1)(A) [Crime of Violence].

1. Per the Court’s request, the government is addressing which offense Mr. Morss is charged with that qualifies as a crime of violence. The Defendant has been indicted on three counts of Robbery, in violation of 18 U.S.C. § 2111. Robbery is categorically a crime of violence. *See United States v. Shirley*, 808 F. App’x 672 (10th Cir. 2020) (holding that 18 U.S.C.S. § 2111 was a crime of violence); *United States v. Fultz*, 923 F.3d 1192, 1193 (9th Cir. 2019) (holding that 18 U.S.C.S. § 2111 was categorically a crime of violence); *see also Stokeling v. United States*, 139 S. Ct. 544, 550-54 (2019) (reasoning that common-law robbery is a crime of violence).

Indeed, every court of appeals to have addressed whether a form of federal robbery satisfies the requirements of Section 924(c)(3)(A) or a similarly worded provision, including the D.C. Circuit, has held that it does. *See United States v. Carr*, 946 F.3d 598, 604 (D.C. Cir. 2020) (bank robbery); *see also, e.g., United States v. Boman*, 810 F.3d 534, 542-543 (8th Cir.) (robbery under 18 U.S.C. 2111), *cert. granted, vacated, and remanded on other grounds*, 137 S. Ct. 87 (2016); *United States v. Ellison*, 866 F.3d 32, 35-39 (1st Cir. 2017) (bank robbery); *United States v. Williams*, 864 F.3d 826, 830 (7th Cir. 2017) (same), *cert. denied*, No. 17-5551 (Oct. 2, 2017); *United States v. Jones*, 854 F.3d 737, 740 & n.2 (5th Cir. 2017) (carjacking and bank robbery), *cert. denied*, No. 17-5285 (Oct. 2, 2017). Thus, he is eligible for detention pursuant to 18 U.S.C. § 3142(f)(1)(A).

2. In the original detention memoranda, the undersigned stated that law enforcement found a “fully constructed U.S. Capitol Lego set.” Please note that after a review of the photographs from the search, there appears to have been a miscommunication and that statement appears to be inaccurate. The Lego set was in a box and not fully constructed at the time of the search, as pictured below.



CONCLUSION

WHEREFORE, the United States respectfully requests that the Court grant the government's motion to detain the Defendant pending trial.

Respectfully
submitted,

CHANNING D. PHILLIPS
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By: 

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2021, I sent a copy of the foregoing via the Court's electronic filing system to counsel for the defendant.

By: 
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