



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

January 12, 2011

Honorable William K. Suter
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Billy Joe Reynolds v. United States
S. Ct. No. 10-6549

Dear Mr. Suter:

The above-captioned case has been redistributed for the conference of January 14, 2011. This letter brings to the Court's attention certain developments since the filing of the government's response to the petition for a writ of certiorari.

The government's brief in opposition to certiorari noted (at 14) that this Court had already denied at least two petitions for a writ of certiorari seeking review of the first question presented. Since the filing of that brief, this Court has denied three other petitions for a writ of certiorari raising the same issue. See *Talada v. United States*, No. 10-6268, 2010 WL 3500532 (Dec. 13, 2010); *Gorham v. United States*, No. 10-5782, 2010 WL 3149458 (Nov. 29, 2010); *Dean v. United States*, No. 10-5632, 2010 WL 2989705 (Nov. 29, 2010).

The government's brief in opposition also noted (at 12-14) that every court of appeals to have decided the issue has held that the Sex Offender Registration and Notification Act (SORNA) applies to sex offenders who were convicted of a predicate sex offense before SORNA's enactment, and that all but one circuit has held that SORNA became applicable to pre-SORNA sex offenders no later than February 28, 2007, the date of the Attorney General's interim rule. On December 27, 2010, a Ninth Circuit panel held that SORNA did not become applicable to pre-SORNA sex offenders until August 1, 2008—30 days after publication of the final SORNA guidelines. See *United States v. Valverde*, No. 09-10063, 2010 WL 5263142. The Acting Solicitor General has not yet determined whether the government will seek rehearing in *Valverde*.

On December 29, 2010, the Attorney General finalized the interim rule clarifying that the requirements of SORNA apply to all sex offenders, including sex offenders convicted of their predicate sex offense before SORNA's enactment. See 75 Fed. Reg. 81,849.

I would appreciate it if you would circulate this letter to the Members of the Court.

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Sincerely,

Neal Kumar Katyal
Acting Solicitor General

cc: See Attached Service List

10-6549
REYNOLDS, BILLY JOE
USA

CANDACE CAIN
ASSISTANT FEDERAL PUBLIC DEFENDER
1500 LIBERTY CENTER
1001 LIBERTY AVENUE
PITTSBURGH, PA 15222
412-644-6565
CANDACE_CAIN@FD.ORG