

19-8709 GREER V. UNITED STATES

DECISION BELOW: 798 F.Appx 483

LOWER COURT CASE NUMBER: 18-12963

QUESTION PRESENTED:

Last year, this Court held in *Rehaif v. United States*, 139 S. Ct. 2191 (2019), that, in a prosecution under 18 U.S.C. §§ 922(g) and 924(a)(2), the government must prove not only that the defendant knew he possessed a firearm, but also that he knew he belonged to the relevant category of persons barred from possessing a firearm.

Since then the circuit courts of appeals have attempted to define the scope of review when applying the holding of *Rehaif* to cases remanded by this Court.

The question presented is:

Whether when applying plain-error review based upon an intervening United States Supreme Court decision, a circuit court of appeals may review matters outside the trial record to determine whether the error affected a defendant's substantial rights or impacted the fairness, integrity, or public reputation of the trial?

CERT. GRANTED 1/8/2021