

No. 17-6856

IN THE SUPREME COURT OF THE UNITED STATES

TAWNYA BEARCOMESOUT, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

NOEL J. FRANCISCO
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 17-6856

TAWNIA BEARCOMESOUT, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

Petitioner contends that the Double Jeopardy Clause barred her federal prosecution for involuntary manslaughter, in violation of 18 U.S.C. 1112(a) and 1153(a), because she had previously been convicted in the Northern Cheyenne Tribal Court for homicide based on the same underlying conduct. On June 28, 2018, this Court granted certiorari in Gamble v. United States, No. 17-646, to consider whether to overrule the Court's precedent holding that the Double Jeopardy Clause does not prohibit successive prosecutions by separate sovereign governments. Because the Court's decision in Gamble may affect the proper disposition of the petition for a writ of certiorari, the petition in this case

should be held pending the decision in Gamble and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

AUGUST 2018

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.