FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10093

RISHI RAMDIAL,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals
Agency No. A055-997-911

Before ROSENBAUM, LAGOA, and MARCUS, Circuit Judges.

ROSENBAUM, Circuit Judge:

The Board of Immigration Appeals ("BIA") ruled that Rishi Ramdial is removable as an aggravated felon, so he's ineligible for cancellation of removal under Section 240A(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1229b(a). Ramdial petitions for review. He argues that his Florida conviction for robbery by sudden snatching, *see* FLA. STAT. § 812.131, is not a "theft offense" under 8 U.S.C. § 1101(a)(43)(G), so it is not an "aggravated felony" under 8 U.S.C. § 1229b(a).

After careful consideration and with the benefit of oral argument, we disagree. So we deny Ramdial's petition.

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Ramdial is a native and citizen of Trinidad and Tobago. He immigrated to the United States and obtained lawful-permanent-resident status in 2003.

Several years later, on November 18, 2019, Ramdial was convicted in Florida state court of robbery by sudden snatching, in violation of FLA. STAT. § 812.131(1), (2)(b). On the same day, Ramdial was also convicted of trafficking in hydrocodone, trafficking in oxycodone, attempted trafficking in hydrocodone, possession of a Schedule IV controlled substance (alprazolam), and possession of fentanyl. For his offenses, the court sentenced Ramdial to five years' imprisonment.

In 2022, the United States Department of Homeland Security ("Department") initiated removal proceedings against Ramdial. As relevant here, the notice to appear charged Ramdial with removability as an aggravated felon under 8 U.S.C. § 1227(a)(2)(A)(iii) on the ground that he had committed a theft offense under 8 U.S.C. § 1101(a)(43)(G)—robbery by sudden snatching under Florida law. Under the INA, a noncitizen "who is convicted of an aggravated felony at any time after admission is deportable." 8 U.S.C. § 1227(a)(2)(A)(iii). And a "theft offense . . . for which the term of imprisonment [is] at least one year" is an "aggravated felony." *Id.* § 1101(a)(43)(G).

Ramdial sought the discretionary relief of cancellation of removal for permanent residents under 8 U.S.C. § 1229b(a). To qualify for discretionary relief, Ramdial could not be "convicted of any aggravated felony." *Id.* § 1229b(a)(3). So Ramdial challenged the Department's labeling of his robbery-by-sudden-snatching conviction as an aggravated felony. *See id.* § 1227(a)(2)(A)(iii).

In furtherance of his request for cancellation of removal, Ramdial appeared before an immigration judge ("IJ") for a master calendar hearing. Through counsel, he admitted five of the six factual allegations contained in the notice to appear, but he denied the charges of removability. Ramdial confirmed that he sought only cancellation of removal for permanent residents under 8 U.S.C. § 1229b(a). The IJ found all allegations were established and sustained removability under 8 U.S.C. § 1227(a)(2)(B)(i) (controlled-substance offense).

But the IJ also asked the parties to brief whether Ramdial's conviction for robbery by sudden snatching qualified as an aggravated felony under 8 U.S.C. § 1227(a)(2)(A)(iii). Ramdial argued that his conviction did not satisfy the "aggravated felony" definition because robbery by sudden snatching allows for "temporary or permanent taking[s]." And, Ramdial urged, the generic definition of "theft" does not include temporary takings.

The IJ disagreed. He determined that Ramdial's conviction for robbery by sudden snatching under FLA. STAT. § 812.131(1) qualified as an aggravated-felony theft offense under 8 U.S.C. § 1101(a)(43)(G). The IJ reasoned that a taking satisfies the generic definition of "theft," "even if such deprivation is less than total or permanent," *Gonzales v. Duenas-Alvarez*, 549 U.S. 183, 189 (2007). Plus, the IJ noted, Ramdial was sentenced to a term of imprisonment of at least one year. Because the IJ determined Ramdial's conviction fulfilled both parts of the definition of "aggravated felony," the IJ ruled Ramdial ineligible for cancellation of removal and ordered him removed to Trinidad and Tobago.

Ramdial appealed the IJ's decision to the BIA. But the BIA dismissed Ramdial's appeal. Like the IJ, the BIA rejected Ramdial's argument that his conviction under FLA. STAT. § 812.131(1) didn't qualify as an aggravated felony because the Florida law encompasses temporary takings. Then the BIA clarified that the definition of "aggravated felony theft" includes takings that are less than permanent. The BIA also determined that FLA. STAT. § 812.131(1) matches the definition of generic theft because both require only an intent to deprive, whether temporary or permanent.

Ramdial petitioned this Court for review of the BIA's decision affirming the IJ's opinion and dismissing the appeal. For the first time, in this Court, Ramdial advanced two more arguments for why Florida robbery by sudden snatching is broader than generic theft: first, that, unlike generic theft, the Florida offense lacks a "without consent" element; and second, that the Florida offense requires an intent to deprive the victim or owner, rather than solely the owner, of property rights, but generic theft, Ramdial asserts, requires an intent to deprive only the owner.

After Ramdial filed his initial brief in this Court, the government moved to remand the case to the BIA "to further consider its conclusion whether FLA. STAT. § 812.131(1), Robbery by Sudden Snatch[ing], is an aggravated felony theft offense under 8 U.S.C. § 1101(a)(43)(G) and, if [not], whether Petitioner met his burden to show eligibility for cancellation of removal for legal permanent residents." We granted the government's motion, which we construed as a motion to vacate the BIA's decision and to remand for further proceedings.

On remand before the BIA, Ramdial pressed the new arguments he had first raised in this Court. The Department urged the BIA to affirm its prior decision and dismiss the appeal. The BIA did so. It rejected Ramdial's arguments and again dismissed the appeal.

Ramdial now petitions us for review of the BIA's latest decision.

II. STANDARDS OF REVIEW

The IJ found that Ramdial's controlled-substance convictions made him removable, and Ramdial does not challenge that determination. The INA generally bars us from reviewing a removal order against a noncitizen who is removable for a controlled-substance offense. *See* 8 U.S.C. § 1252(a)(2)(C). But we retain jurisdiction over constitutional claims and questions of law. *See id.* § 1252(a)(2)(D).

Whether Ramdial's robbery-by-sudden-snatching conviction qualifies as an aggravated felony—and thus makes him ineligible for cancellation of removal—is a question of law that we review de novo. *See Kemokai v. U.S. Att'y Gen.*, 83 F.4th 886, 891 (11th Cir. 2023). We therefore have jurisdiction to decide that question.

III. DISCUSSION

A noncitizen is removable if he "is convicted of an aggravated felony at any time after admission." 8 U.S.C. § 1227(a)(2)(A)(iii). As we've noted, and relevant here, an "aggravated felony" includes "a theft offense . . . for which the term of imprisonment [is] at least one year." *Id.* § 1101(a)(43)(G).

Because the INA does not define "theft offense," we construe that term according to the generic definition of "theft." *Vassell v. U.S. Att'y Gen.*, 839 F.3d 1352, 1356 (11th Cir. 2016). We've explained that generic "theft" means "the taking of, or exercise of control over, property without consent whenever there is criminal intent to deprive the owner of the rights and benefits of ownership, even if such deprivation is less than total or permanent." *Id.* (citation omitted); *see also Duenas-Alvarez*, 549 U.S. at 189.

With that in mind, we consider whether Florida robbery-by-sudden-snatching qualifies as an aggravated felony by comparing the Florida crime to generic "theft." We generally use the categorical approach to determine whether a state conviction is an aggravated felony. *Donawa v. U.S. Att'y Gen.*, 735 F.3d 1275, 1280 (11th Cir. 2013). That approach looks to the elements of the offense of conviction, as state law defines them. In so doing, we consider "the minimum conduct criminalized" by the statute, not the facts of the petitioner's particular offense. *Vassell*, 839 F.3d at 1356 (citation modified). Then we ask whether those elements are the same as, or narrower than, the elements of the generic offense. *Moncrieffe v. Holder*, 569 U.S. 184, 190 (2013); *Descamps v. United States*, 570 U.S. 254, 257 (2013). If they are, we have a match, and the conviction offense qualifies.

At various points, the parties have suggested that the modified categorical approach may apply here. The modified categorical approach tells us whether a conviction satisfies a statutory definition when a law is divisible. *Descamps*, 570 U.S. at 263–64. That is, the modified categorical approach applies when a single law effectively creates different crimes through alternative elements, including at least one version that satisfies the statutory definition of, as relevant here, "aggravated felony," and at least one version that doesn't. *See id.* When the modified categorical approach applies, a court "consult[s] a limited class of documents, such as indictments and jury instructions, to determine which alternative formed the basis of the defendant's prior conviction." *Id.* at 257.

Section 812.131(1) contains two disjunctive formulations relevant here: the defendant must act with intent to "permanently *or* temporarily deprive" the "victim *or* the owner" of the property. FLA. STAT. § 812.131(1) (emphasis added). But the mere fact that a statute is worded in the disjunctive does not necessarily mean that it is divisible. *See Mathis v. United States*, 579 U.S. 500, 506, 512–13 (2016). Sometimes laws state disjunctive *means* of accomplishing a single crime. *See id.* But different means of carrying out a crime are not different *elements*. *See id.* And so they do not make different crimes. *See id.* Rather, to determine whether the modified categorical approach governs, we must ask whether Florida law requires a jury to agree unanimously on which alternative the state proved. *See id.* at 517–18. If it does, then the modified categorical approach applies.

Section 812.131(1) does not create alternative crimes. After all, nothing in Florida law suggests that "permanently" and "temporarily," or "victim" and "owner," are separate elements creating different crimes. To the contrary, Florida's standard instruction treats the statute as requiring one intent element: that the defendant committed the taking with intent to permanently or temporarily deprive the victim or owner of the right to the property.[1] *In re*

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[1] Florida standard jury instructions are an "authoritative source[ ] of state law" when determining the divisibility of a statute. *Guillen v. U.S. Att'y Gen.*, 910 F.3d 1174, 1184 (11th Cir. 2018) (quoting *Mathis*, 579 U.S. at 518). The standard instruction for § 812.131 lists four elements:

> (1) (Defendant) took the (money or property described in charge) from the person of (person alleged);
>
> (2) the property taken was of some value;

Standard Jury Instructions in Criminal Cases—Report No. 2008-08, 6 So. 3d 574, 587 (Fla. 2009). Either way satisfies the intent element. In other words, the instruction does not require the jury to agree unanimously about whether the defendant intended to deprive the owner or non-owner victim, permanently or temporarily. As long as the jury agrees that the defendant intended to deprive either an owner or non-owner victim, either permanently or temporarily, of the item, the jury may return a guilty verdict. So the instruction supports treating those alternatives as mere means of satisfying one element, not as separate elements.

As a result, Section 812.131(1) is not divisible as to the "permanently or temporarily" or "victim or owner" language. And the modified categorical approach is unavailable. So we may not consult the record of conviction to determine whether Ramdial in fact intended a permanent or temporary deprivation or intended to deprive the owner rather than some other victim. We must instead decide whether the least culpable conduct that Section 812.131(1) criminalizes categorically fits the generic theft offense.

> (3) the taking was with the intent to permanently or temporarily deprive (victim) or the owner of [his] [her] right to the property;
>
> (4) in the course of the taking, (victim) was or became aware of the taking.

In re Standard Jury Instructions in Criminal Cases—Report No. 2008-08, 6 So. 3d 574, 586–87 (Fla. 2009).

Ramdial argues that Section 812.131(1) is broader than generic theft in three respects. First, he says the statute's intent element encompasses more conduct than generic theft's intent element. Second, he urges us to conclude that the statute covers temporary or *de minimis* takings, but generic theft doesn't. And third, he asserts that Section 812.131(1) does not expressly require lack of consent, but generic theft does. We disagree on all counts.

A. **Section 812.131(1)'s intent element is no broader than generic theft's.**

Ramdial first contends that Section 812.131(1)'s intent element is broader than generic theft's in three ways. He argues that the statute authorizes convictions when the defendant intends to deprive a non-owner victim, but generic theft demands an intent to deprive the owner. Relatedly, Ramdial asserts that Section 812.131(1)'s intent element encompasses more conduct than generic theft's because the statute doesn't "contain an element limiting the offense to conduct in which the intent directed to the [non-owner] 'victim' is to deprive the victim of the *rights or benefits* of ownership." And finally, with respect to the intent element, Ramdial argues that, unlike with generic theft, Section 812.131(1) doesn't "require that the [non-owner] victim be in authorized possession of the object."

We can't agree with any of these arguments because they rest on mistaken understandings of Section 812.131(1), generic theft, or both.

We begin with Ramdial's suggestion that under Section 812.131(1), a defendant can be convicted for intent to deprive either an owner or a non-owner victim, but generic theft requires intent to deprive only an owner. Let's start where we agree. To be sure, Section 812.131(1) authorizes conviction for intent to deprive a non-owner victim.

But Ramdial is mistaken that this fact somehow makes Section 812.131(1) broader than generic theft. This is so for two reasons.

First, generic theft doesn't impose a title-owner requirement. *See United States v. Orozco-Orozco*, 94 F.4th 1118, 1124 (9th Cir. 2024). To understand why, we consider the common-law meaning of "theft." We do so because "when Congress uses a term with origins in the common law, [like "theft" in the INA,] we generally presume that the term brings the old soil with it." *Barrie v. U.S. Att'y Gen.*, 167 F.4th 1315, 1323 (11th Cir. 2026) (quoting *Kousisis v. United States*, 605 U.S. 114, 124 (2025)); *see also Duenas-Alvarez*, 549 U.S. at 189 (considering the common law in determining whether generic theft includes aiding and abetting).

As the Ninth Circuit has explained, generic theft requires a showing only that "the defendant intended to take property from a person with a superior possessory interest in the property." *Orozco-Orozco*, 94 F.4th at 1124; *see also United States v. Howey*, 427 F.2d 1017, 1018 (9th Cir. 1970) ("It was not an essential part of the common law larceny-type offense that the thief knew who owned the property he took; it was enough that he knew it did not belong to him."). Similarly, the Second Circuit has observed that "[p]roof of the identity of the owner of purloined property is not a requisite element of the crime of larceny as it is defined in most American jurisdictions."[2] *Chiaramonte v. INS*, 626 F.2d 1093, 1099 (2d Cir. 1980). And one treatise has noted that, when it comes to larceny, "ownership and possession may be regarded as synonymous terms, for one who has a right to the possession of goods, as against the thief, as far as he or she is concerned, is the owner of them." 52B C.J.S. *Larceny* § 43 (2023) ("A larceny victim's actual ownership of the stolen property need not be proven but only that the victim has a right to possession superior to that of the defendant."); *see also* 3 Wayne R. LaFave, *Substantive Criminal Law* § 19.4(c) (3d ed. Oct. 2025 update) ("For larceny the thief need not take the property from its owner. A second thief is guilty of larceny even though he steals the property from the first thief.").

So Ramdial is mistaken in thinking that generic theft's intent element requires an intent to deprive an owner. It does not. Rather, generic theft requires only an intent to take property from someone who has a superior possessory interest.

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[2] Congress added a "theft offense" to the INA's definition of "aggravated felony" in 1994. Immigration and Nationality Technical Corrections Act of 1994, Pub. L. No. 103-416, § 222(a), 108 Stat. 4305, 4320–21. The 1990 edition of *Black's Law Dictionary*—then the current edition—defined "theft" as "[a] popular name for larceny." *Theft*, BLACK'S LAW DICTIONARY 1477 (6th ed. 1990). We therefore use that contemporaneous definition. *See Barrie*, 167 F.4th at 1322–23; *see also Orozco-Orozco*, 94 F.4th at 1123 (noting that "'theft' stems from the common law crime of larceny" (citation omitted)).

Second, Florida robbery by sudden snatching under Section 812.131(1) demands the same showing. In the burglary context, the Florida Supreme Court has explained that the ownership element is "not the same as ownership in property law." *D.S.S. v. State*, 850 So. 2d 459, 461–62 (Fla. 2003). Rather, the state may satisfy that element by "special or temporary ownership, possession, or control" that is rightful as against the defendant. *Id.* Florida larceny cases make the same point: "[t]he exact state of the title of stolen property is of no particular concern of the thief, except that it must have been in some one else," and the prosecution may prove ownership where the possessor holds the property "as bailee, trustee, or otherwise, having only a special interest and not a general ownership. . . ." *Parker v. State*, 78 So. 980, 981 (Fla. 1918) (citation modified).

The text and jury instruction for robbery by sudden snatching follow this approach. Start with the text. Section 812.131(1) requires a taking "from the victim's person," with intent to deprive "the victim or the owner" of the property. FLA. STAT. § 812.131(1). Then, the standard jury instruction explains that the person robbed need not be the "actual owner" of the property; it is enough if "the victim has possession of the property at the time of the offense." Fla. Std. Jury Instr. (Crim.) 15.4.

In short, Section 812.131(1)'s requirement that the defendant have intended to deprive "the victim or the owner" of the property does not make Section 812.131(1) broader than generic theft. Both crimes require that the victim—whether or not the property owner—enjoys a possessory interest superior to the defendant's at the time of the offense.

Orozco-Orozco, which Ramdial relies on, does not support a different answer. In *Orozco-Orozco*, the Ninth Circuit considered whether carjacking, in violation of California Penal Code § 215, qualified as a "theft offense," and thus as an "aggravated felony," under the INA. 94 F.4th at 1120. As the court determined, it did not. *See id.* at 1121.

The Ninth Circuit so concluded because California courts had applied Section 215 "in a wider swath of circumstances than those in which the generic definition of a theft offense would apply." *Id.* at 1125–26. In particular, the Ninth Circuit explained, "an individual can be convicted of violating California's carjacking statute even if they take a car from someone who has an inferior possessory interest in the car—or none at all." *Id.* at 1125. In contrast, the Ninth Circuit noted, "[A] generic theft offense does not require that the defendant intend to deprive *the titleholder* of his or her property. Instead, the government need only show that the defendant intended to take property from a person with a superior possessory interest in the property." *Id.* at 1124.

Unlike with California courts' interpretation of California's Section 215, Florida courts have not construed Section 812.131(1) to allow for conviction if a defendant takes property from someone with an inferior possessory interest. For starters, Ramdial has identified no case construing Section 812.131(1) to authorize conviction of a defendant with a superior possessory interest to the non-owner victim. That's not surprising. As we've noted, the third element of Florida's standard jury instruction on robbery by sudden snatching requires the State to prove that the defendant took property "with the intent to permanently or temporarily deprive (victim) or the owner *of [his] [her] right to the property*." Fla. Std. Jury Instr. (Crim.) 15.4 (emphasis added). So the jury instructions require non-owner victims under Section 812.131(1) to have a superior right to the property.

So Ramdial has failed to show "a realistic probability" (or even a theoretical possibility) "that the State would apply its statute to conduct that falls outside the generic definition of a crime." *Duenas-Alvarez*, 549 U.S. at 193.

For the same reasons, Ramdial gets no further with his assertion that Section 812.131(1) doesn't "contain an element limiting the offense to conduct in which the intent directed to the [non-owner] 'victim' is to deprive the victim of the *rights or benefits* of ownership." As we've explained, generic theft doesn't require the defendant to deprive the victim of "the rights or benefits of ownership." Rather, it requires only an intent to take property from someone with a superior possessory interest. And Florida's jury instruction for robbery by sudden snatching requires exactly the same thing.

Finally, Ramdial's contention that, unlike with generic theft, Section 812.131(1) doesn't "require that the [non-owner] victim be in authorized possession of the object," fails because Ramdial is wrong about what Section 812.131(1) demands. In fact, as we've noted several times now, Section 812.131(1) requires that a non-owner victim have a possessory interest in the property superior to that of the defendant—the same thing that generic theft demands.

For all these reasons, Ramdial has failed to show that Section 812.131(1)'s intent element is broader than generic theft's.

B. Section 812.131(1)'s temporary-deprivation alternative is no broader than generic theft.

Ramdial next argues that robbery by sudden snatching covers more than generic theft because the Florida crime reaches "*de minimis* takings." More specifically, Ramdial asserts that Section 812.131(1) covers a case in which the defendant "temporarily took property from a non-owner who was holding it, then returned it in a *de minimis* amount of time, with no intent to deprive anyone of rights or benefits of ownership . . . ."[3] This argument fails for two reasons.

First, Florida's jury instructions don't allow for conviction when the defendant lacked intent "to deprive anyone of rights or benefits of ownership." As we've noted, for conviction, Florida's standard jury instructions require a finding that the defendant acted "with the intent to permanently or temporarily deprive (victim) or the owner of [his] [her] right to the property." Fla. Std. Jury Instr.

[3] The government contends that the BIA did not previously consider Ramdial's "*de minimis*" argument, so the argument is not properly before us. But we understand his argument as a refinement of his temporary-taking argument, not as a distinct unexhausted theory. So we consider it.

(Crim.) 15.4. So Section 812.131(1) does not cover the scenario that Ramdial envisions.

Second, generic theft does not require an intent to deprive the owner permanently. It includes a taking or exercise of control over property without consent and with criminal intent to deprive the owner of the rights and benefits of ownership, "even if such deprivation is less than total or permanent." *Vassell*, 839 F.3d at 1356; *Duenas-Alvarez*, 549 U.S. at 189; *see also Ramos v. U.S. Att'y Gen.*, 709 F.3d 1066, 1070–71 (11th Cir. 2013). So the fact that Section 812.131(1) reaches deprivations where the defendant intends to deprive the victim of their property rights even temporarily does not make it broader than generic theft.

Nor, as Ramdial suggests, does *Jaggernauth v. U.S. Attorney General*, 432 F.3d 1346, 1354 (11th Cir. 2005), support a different answer. In *Jaggernauth*, we determined that Florida's general theft statute, FLA. STAT. § 812.014(1)—which is not at issue here—is divisible, meaning one version of that statute qualifies as an aggravated felony, but another does not. In particular, Section 812.014(1)'s intent element contains alternative elements: the State may satisfy the element either by showing that the defendant took property with an intent to "deprive" or an intent to "appropriate." 432 F.3d at 1354–55. An intent to "deprive" satisfies the "aggravated felony" requirement, but an intent to "appropriate" does not.

But as we've explained, Section 812.131(1) is not divisible. And the least way of satisfying it—by taking property from the victim's person with the intent to permanently or temporarily deprive the victim or owner of the right to that property, FLA. STAT. § 812.131(1)—matches the definition of generic "theft." So a conviction under Section 812.131(1), unlike a conviction under Section 812.014(1), necessarily qualifies as a "theft offense" under the INA.

Ramdial's reliance on *Da Graca v. Garland*, 23 F.4th 106 (1st Cir. 2022), and *Castillo v. Holder*, 776 F.3d 262 (4th Cir. 2015), fares no better. Both cases involved unauthorized-use-of-a-vehicle statutes, not robbery or theft-from-the-person statutes. In *Castillo*, the Fourth Circuit considered a Virginia statute that Virginia courts had construed to apply even when "the defendant's use of [a vehicle] deviates only slightly from the specific scope of consensual use, resulting in an insignificant effect on ownership interests." 776 F.3d at 269. For instance, the Fourth Circuit noted that the Virginia courts had upheld a conviction under the statute where the defendant, who had his employer's permission to use a tow truck to perform towing services, used the truck to provide towing services to someone he had failed to seek from his employer specific authorization to tow. *See id.* This kind of "glorified borrowing," the Fourth Circuit explained, did not satisfy the definition of generic "theft." *Id.* at 269–70.

Da Graca involved a similar Rhode Island vehicle statute. 23 F.4th at 108. And because Rhode Island's statute, like Virginia's, reached joyriding, the First Circuit also determined that a conviction under the law didn't qualify as a "theft offense" under the INA. *See id.* at 112–13.

The text of the vehicle statutes implicated in both *Castillo* and *Da Graca* differed in an important way from the text of Section 812.131(1). The Virginia and Rhode Island statutes expressly applied when the defendant lacked an "intent to steal." *See Castillo*, 776 F.3d at 264; *Da Graca*, 23 F.4th at 108. Not only that, but Virginia courts had construed the Virginia statute to cover consensual takings that exceeded the scope of consent in even a minimal way, while Rhode Island's statute reached joyriding. *See Castillo*, 776 F.3d at 269; *Da Graca*, 23 F.4th at 112–13.

Section 812.131(1) is different. First, it contains no language that expressly makes it applicable when the defendant lacks an intent to steal. And second, unlike how Virginia and Rhode Island state courts have construed their statutes, Florida courts have not understood Section 812.131(1) to apply in cases involving *de minimis* takings of the type that *Castillo* and *Da Graca* envisioned. Put differently, Florida robbery by sudden snatching—which requires a taking of money or other property from the victim's person, with the intent to deprive the victim or owner of the right to that property, while the victim was or became aware of the taking, FLA. STAT. § 812.131(1)—is not the sort of "glorified borrowing" or joyriding that concerned the First and Fourth Circuits. As a result, Ramdial's argument that a conviction under Section 812.131(1) exceeds the definition of generic theft because it includes temporary or *de minimis* takings fails.

C. Section 812.131(1) requires a nonconsensual taking.

Ramdial also challenges Section 812.131(1) as overbroad because it does not expressly require that the taking occur "without consent." We disagree.

The phrase "without consent" need not appear in a statute's text if the offense's elements otherwise require a nonconsensual taking. *Kemokai*, 83 F.4th at 893. Here, Florida law reflects that lack of voluntary consent is inherent in robbery by sudden snatching. In *C.A. v. State*, 255 So. 3d 520, 521 (Fla. Dist. Ct. App. 2018), for instance, the defendant argued that his conduct didn't satisfy the definition of robbery by sudden snatching because, he said, the victim consented to the taking. But because the court determined that "the evidence was sufficient to conclude that the victim did not consent to the taking," the Florida Third District Court of Appeal upheld the conviction. *Id.*

Florida's interpretation of Section 812.131(1) to require a taking charged under the statute to be nonconsensual eliminates any "realistic probability . . . that the State would apply its statute to conduct that falls outside the generic definition of a crime." *Duenas-Alvarez*, 549 U.S. at 193.

IV. CONCLUSION

Because Ramdial's conviction for Florida robbery by sudden snatching, under FLA. STAT. § 812.131(1), qualifies as an "aggravated felony" under the INA, we deny Ramdial's petition for review.

PETITION DENIED.