

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-11098

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JEFFERY L. DAVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:20-cr-00348-SDM-CPT-1

Before JORDAN, NEWSOM, and GRANT, Circuit Judges.

PER CURIAM:

Michelle Yard, appointed counsel for Jeffery Davis in this direct criminal appeal, has moved to withdraw from further representation of the appellant and filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). Our independent review of the entire record reveals that counsel's assessment of the relative merit of the appeal is correct.

In reaching this conclusion, we have considered Mr. Davis' response to his counsel's motion to withdraw. Mr. Davis contends that he was convicted of non-existent offenses for purposes of 18 U.S.C. § 924(c) given the Supreme Court's recent decision in *Taylor v. United States*, 142 S.Ct. 2015, 2020-21 (2022) (holding that attempted Hobbs Act robbery does not constitute a crime of violence under § 924(3)(C)(A), the elements clause of the ACCA). We disagree.

First, *Taylor* does not affect Mr. Davis' guilty pleas to the Hobbs Act robbery offenses in Counts 3, 5, 7, 9, 11, 13, 15, and 17. Those offenses were charged under 18 U.S.C. § 1951, and *Taylor* did not call into question the stand-alone validity of that provision.

Second, *Taylor* does not affect Mr. Davis' guilty pleas to the firearm offenses charged in Counts 4, 6, and 10. Those offenses were charged under 18 U.S.C. §§ 924(c)(1)(A)(ii) & 2, and were based on the use, carrying, or brandishing of a firearm by Mr. Davis

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or his co-defendant during and in relation to the Hobbs Act robberies charged in Counts 3, 5, and 9. *Taylor* does not impact or call into question Counts 4, 6, and 10 because the underlying Hobbs Act robberies for the firearm charges (those set out in Counts 3, 5, and 9) were not mere attempts. They were instead successful robberies in which Mr. Davis and his co-defendant took money from each of the establishments at issue. *See* D.E. 142 at 36-37 (government's factual proffer for Counts 3, 4, 5, 6, 9, & 10).

Because independent examination of the entire record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and Mr. Davis' convictions and sentences are **AFFIRMED**.