No. 21-____

IN THE

Supreme Court of the United States

SEUN BANJO OJEDOKUN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

In *Morrison v. National Australia Bank Ltd.*, this Court established a presumption against applying a statute extraterritorially that can only be overcome by a "clear indication" that Congress intended for the statute to apply abroad. 561 U.S. 247, 255, 261 (2010). This presumption applies "in all cases." *Id.* at 261. Three years later, in *Kiobel v. Royal Dutch Petroleum Co.*, this Court confirmed that a statute must "evince a 'clear indication of extraterritoriality,'" before it can be applied abroad. 569 U.S. 108, 118 (2013) (quoting *Morrison*, 561 U.S. 265). This Court again confirmed this rule in *RJR Nabisco, Inc. v. European Community*, explaining that "[w]hen a statute gives no clear indication of an extraterritorial application, it has none." 579 U.S. 325, 335 (2016) (quoting *Morrison*, 561 U.S. at 255). This is consistent with the Court's declaration that any "lingering doubt" as to whether Congress intended for a statute to apply extraterritorially must be resolved against extraterritorial application. *Smith v. United States*, 507 U.S. 197, 203 (1993).

Here, the court below found the presumption against extraterritorial application of a criminal statute was rebutted based on a mere inference of congressional intent and a purported "logical conclusion" of how to interpret the statutory text.

The question presented is: Whether, as in civil cases, a clear indication of congressional intent is required to rebut the presumption against extraterritorial application of a United States criminal statute.

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

The parties to the proceeding below were Seun Banjo Ojedokun, as defendant-appellant, and the United States, as plaintiff-appellee. There are no corporate parties requiring a disclosure statement under Supreme Court Rule 29.6.

RELATED PROCEEDINGS

United States Court of Appeals for the Fourth Circuit: *United States of America v. Seun Banjo Ojedokun* (No. 21-4127).

United States District Court for the District of Maryland: *United States of America v. Seun Banjo Ojedokun* (No. 8:19-cr-00228-PWG-1).

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INTRODUCTION

The decision below directly conflicts with this Court's recent precedents and deepens a split among lower courts on an issue of exceptional importance.

Seun Banjo Ojedokun ("Ojedokun") worked at a cyber-café in Lagos, Nigeria where he sent emails containing wire transfer documents. At the time, he had never traveled to the United States and did not participate in telephone or other virtual meetings with alleged conspirators who were in the United States. Years after he sent those emails, when the conspiracy was no longer in existence, Ojedokun came to the United States to pursue a doctoral degree in chemistry. He was then arrested and the United States asserted that the emails Ojedokun sent while he lived in Nigeria were part of a criminal conspiracy and violated 18 U.S.C. § 1956(h), which prohibits conspiracy to commit money laundering. The issue in this case is whether Section 1956(h) can properly be applied to Ojedokun's conduct in Nigeria.

This Court has repeatedly and emphatically declared that there must be a clear indication that Congress intended for a statute to apply beyond the territorial jurisdiction of the United States before a statute can be so applied. *See Morrison v. Nat'l Australia Bank Ltd.*, 561 U.S. 247, 261 (2010); *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108, 118 (2013); *RJR Nabisco, Inc. v. Eur. Cmty.*, 579 U.S. 325, 335 (2016). Any "lingering doubt" as to whether Congress intended for the statute to apply abroad must be resolved against extraterritorial application. *Smith v. United States*, 507 U.S. 197, 203 (1993). And the Court noted in these civil cases that the presumption applies

in ***all*** cases. *Morrison*, 561 U.S. at 261; *RJR Nabisco*, 579 U.S. at 336.

The decision below conflicts with this precedent. The Fourth Circuit acknowledged that there is a presumption against extraterritoriality but concluded that the presumption was defeated, despite failing to identify a clear indication that Congress specifically intended for Section 1956(h) to apply abroad—instead, finding an "inference" and "logical conclusion" sufficient to rebut the presumption. The Fourth Circuit did this despite legislative history expressly stating that Congress was concerned only with conduct in the United States when it enacted Section 1956.

The decision below also deepens a split among the circuits on how properly to apply the presumption against extraterritoriality in the context of criminal statutes. The D.C. Circuit and Second Circuit hold that the presumption against extraterritorial application of a statute, as articulated in *Morrison*, applies in all cases and that the presumption is inapplicable only to a discrete class of criminal statutes enacted for the protection of the United States. The Eleventh Circuit, and now the Fourth Circuit, recognize that there is a presumption against extraterritorial application of a criminal statute but hold that a mere inference is sufficient to overcome the presumption. Finally, the Seventh Circuit holds that this Court's civil cases do not apply to criminal statutes and that there is no presumption at all against applying criminal statutes extraterritorially.

This issue is important and recurring. It is important not only to ensure that foreign individuals and entities understand their legal obligations with

respect to the United States, but also to ensure that a court does not apply a statute extraterritorially where Congress did not clearly intend for such an application or where such an application could potentially impact foreign relations.

Because the opinion below conflicts with this Court's decisions as well as decisions from other courts over an important and recurring issue, this Court should grant certiorari and answer the question presented.

OPINIONS BELOW

The decision of the Fourth Circuit affirming Ojedokun's judgment of conviction (Pet.App.1a–45a) is published and reported at 16 F.4th 1091. The district court's memorandum opinion denying Ojedokun's motion for reconsideration is published and reported at 517 F. Supp. 3d 444 (Pet.App. 46a–72a).

JURISDICTION

The Fourth Circuit issued its opinion and entered judgment on October 26, 2021, and denied rehearing on November 23, 2021. Pet.App.87a. On February 15, 2022, Chief Justice John Roberts extended the time to file this petition until April 22, 2022. No. 21A416 (U.S.). This Court has jurisdiction under 28 U.S.C. § 1254.

STATUTORY PROVISIONS INVOLVED

18 U.S.C. § 1956(f) provides:

> There is extraterritorial jurisdiction over the conduct prohibited by this section if—
>
> > (1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the

> conduct occurs in part in the United States; and
>
> (2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding $10,000.

18 U.S.C. § 1956(h) provides:

> Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

STATEMENT OF THE CASE

A. Statutory Framework

This Court has set forth a two-step framework for analyzing extraterritoriality issues: first, a court determines "whether the presumption against extraterritoriality has been rebutted—that is, whether the statute gives a clear, affirmative indication that it applies extraterritorially." *RJR Nabisco*, 579 U.S. at 337. If the statute is not extraterritorial, the second step is to determine "whether the case involves a domestic application of the statute[] . . . by looking [at] the statute's focus." *Id.* (quotation marks omitted). At issue here is step one of the test: determining whether the presumption of extraterritoriality is rebutted with respect to Section 1956(h).

"It is a 'longstanding principle of American law "that legislation of Congress, unless a contrary intent appears, is meant to apply only within the jurisdiction of the United States."'" *Morrison*, 561 U.S. at 255 (quoting *EEOC v. Arabian Am. Oil Co.*, 499 U.S. 244, 248 (1991)); *Smith*, 507 U.S. at 203. This presumption

against extraterritoriality requires that any "lingering doubt" regarding Congress's intent as to the reach of a statute be resolved against extraterritorial application. *Smith*, 507 U.S. at 203; *see also Microsoft Corp. v. AT & T Corp.*, 550 U.S. 437, 454 (2007) ("Any doubt that Microsoft's conduct falls outside [the statute's] compass would be resolved by the presumption against extraterritoriality[.]"). The applicability of the presumption is not defeated just because a statute specifically addresses an issue of extraterritorial application. *Smith*, 507 U.S. at 204. Rather, when a statute provides for some extraterritorial application, the presumption against extraterritoriality operates to limit that provision to its terms. *Morrison*, 561 U.S. at 265 (citing *Microsoft*, 550 U.S. at 455–56).

When analyzing whether Congress intended for a statute to apply abroad, "[t]he question is not whether we think 'Congress would have wanted' a statute to apply to foreign conduct 'if it had thought of the situation before the court,' but whether Congress has affirmatively and unmistakably instructed that the statute will do so." *RJR Nabisco*, 579 U.S. at 335. The purpose of this presumption is "to avoid the international discord that can result when U.S. law is applied to conduct in foreign countries." *Id.*

B. Factual Background

Ojedokun, a Nigerian citizen, worked at an internet café in Lagos, Nigeria. Pet.App.11a. During the time when Ojedokun was living and working in Nigeria, other individuals were conducting a long, elaborate fraud scheme by which the scammers, posing as romantic partners, would induce victims into transferring large sums of money to them. *Id.* at 3a–4a. The

scammers would then have the money sent to "bank accounts controlled by various members of the conspiracy including Gbenga Benson Ogundele, a United States citizen living in Laurel, Maryland" who was one of the masterminds of the entire scheme. *Id.* at 3a. The money would then be distributed through a string of electronic and physical transactions intended to conceal the source by "distributing the money among geographically scattered members of the conspiracy." *Id.* at 4a. The government asserted that this conspiracy started in either 2011 or 2013, however, it ended in 2015. *Id.*

Years before ever stepping foot into the United States, Ojedokun allegedly played a small role in this conspiracy. The government claims that Ojedokun received, sent, and forwarded emails containing financial information and "electronic documents confirming bank account deposits" to other members of the conspiracy. *Id.* This included that "[de]posit slips and other wire transfer documents [would be] forwarded to Ojedokun's two email accounts." *Id.*

In 2017, nearly two years after the alleged conspiracy ended, Ojedokun arrived in the United States for the first time, to pursue a doctoral degree in chemistry at the Illinois Institute of Technology. *Id.* Then, in April 2019, two FBI agents arrived at Ojedokun's home in Chicago and questioned him about his time in Nigeria. *Id.* After an hour-long interview, Ojedokun was arrested and subsequently indicted for conspiracy to commit money laundering. *Id.* at 5a–6a.

C. Procedural History

On August 10, 2020, a grand jury returned a superseding indictment charging that, "[b]etween in or

about 2013 and March 2015, Ojedokun conspired to launder the proceeds of specified unlawful activity, to wit, wire fraud in violation of 18 U.S.C. § 1343," with intent to promote such activity and also knowing that the transaction was designed to conceal and disguise the nature of the proceeds, in violation of 18 U.S.C. § 1956(h). Pet.App. 7a–8a.

Ojedokun pleaded not guilty. After a six-day jury trial, a jury convicted Ojedokun. Pet.App. 10a–11a. On March 11, 2021, the district court sentenced Ojedokun to 108 months in federal prison to be followed by a three-year term of supervised release. Pet.App. 47a–48a. The court also imposed a $100 special assessment and ordered Ojedokun to pay $325,100 in restitution. Pet.App. 54a. That same day, Ojedokun timely filed a notice of appeal. Pet.App. 2a.

On October 26, 2021, the Fourth Circuit affirmed the judgment. Pet.App. 3a. The Fourth Circuit recognized that there is "a presumption against the extraterritorial application of federal statutes absent a clear indication of contrary congressional intent." Pet.App. 17a. The Fourth Circuit concluded that this presumption was defeated; however, it did not identify any "clear indication" that Congress intended for Section 1956(h) to apply abroad.

First, the Fourth Circuit concluded that Section 1956(h) applies extraterritorially. Section 1956(f), enacted in 1986, and never amended since, provides for extraterritorial jurisdiction over certain prohibited conduct "if . . . the conduct is by a United States citizen or, in the case of non-United States citizen, the conduct occurs in part in the United States. 18 U.S.C. § 1956(f)(1). Section 1956(h) was added six years later

and criminalized conspiracy to commit money laundering; but does not say that it applies extraterritorially. *Id.* § 1956(h). The Fourth Circuit considered Ojedokun's argument that, because Section 1956(h) was enacted six years after Section 1956(f), and Congress did not amend subsection (f) to encompass the newly added subsection (h), Congress did not clearly intend for the extraterritorial jurisdiction provided for in subsection (f) to apply to conspiracy charges under subsection (h). Pet.App. 19a–20a. The Fourth Circuit rejected this argument because "an inference . . . that Congress's failure to amend § 1956(f)" to specifically apply to subsection (h) demonstrates Congress's perception that subsection (f) already encompassed subsection (h) "is at least as strong as Ojedokun's argument to the contrary." Pet.App. 21a. In other words, the Fourth Circuit inferred that Congress did not amend subsection (f) because Congress supposedly believed that it already applied to subsection (h).

Second, the Fourth Circuit rejected Ojedokun's argument that the requirement that conduct occur "in part in the United States" was not satisfied. Pet.App. 26a. Section 1956(f)(1) makes plain that there is extraterritorial jurisdiction over a United States citizen if the United States citizen personally engaged in prohibited conduct. But it is ambiguous whether a non-United States citizen must personally engage in prohibited conduct in the United States to support extraterritorial jurisdiction. The Fourth Circuit determined that there is extraterritorial jurisdiction under subsection (f)(1) if part of the conspiracy takes place in the United States, even if the defendant abroad did not take any action within the jurisdiction of the United States. Pet.App. 30a.

On November 2, 2021, Ojedokun filed a petition for panel rehearing and *en banc* rehearing. The Fourth Circuit denied that petition on November 23, 2021. Pet.App. 87a. On February 15, 2022, Chief Justice Roberts extended the time to file this petition until April 22, 2022. No. 21A416 (U.S.). Ojedokun then timely filed this petition for certiorari.

REASONS FOR GRANTING THE PETITION

I. The decision below conflicts with this Court's decisions, as well as decisions of other courts.

The opinion below directly conflicts with this Court's decisions establishing a strong presumption against extraterritorial application of United States statutes. Starting with *Smith*, this Court has repeatedly declared that the presumption against applying a statute abroad can only be overcome by a "clear" showing that Congress intended for the statute to so apply. And in *Morrison* the Court noted that this presumption applies "in all cases." 561 U.S. at 261. But the Fourth Circuit failed to identify any "clear indication" in Section 1956(h) establishing that Congress intended for the statute to apply abroad.

Moreover, the opinion below deepens a conflict among the circuits over how to apply *Morrison* to criminal statutes. The D.C. Circuit and the Second Circuit, relying on *Morrison*, apply a strong presumption against extraterritorial application of civil and criminal statutes. Both courts acknowledge that in *United States v. Bowman*, 260 U.S. 94 (1922), this Court found that a criminal statute applied extraterritorially and did not require a "clear indication" of congressional intent. In *Bowman*, this Court held that

a criminal statute applied to defendants' conduct involving a scheme to defraud a corporation owned by the United States that occurred upon a ship within the jurisdiction of Brazil. *Id.* at 97. The Court determined that the presumption of extraterritoriality "should not be applied to criminal statutes which are, as a class, not logically dependent on their locality for the government's jurisdiction, but are enacted because of the right of the government *to defend itself* against obstruction, or fraud wherever perpetrated, *especially if committed by its own citizens, officers, or agents.*" *Id.* at 98 (emphasis added). The D.C. Circuit and Second Circuit have reasoned that "fairly read," *Bowman* stands for the proposition that "the presumption against extraterritoriality ***does*** apply to criminal statutes, except in situations where the law at issue is aimed at protecting 'the right of the government to defend itself.'" *United States v. Vilar*, 729 F.3d 62, 72 (2d Cir. 2013) (emphasis in original); *United States v. Garcia Sota*, 948 F.3d 356, 358 (D.C. Cir. 2020).

The Eleventh Circuit acknowledged that there is a presumption against extraterritorial application of a statute but, citing *Bowman*, found that an inference of congressional intent is sufficient to overcome the presumption for criminal statutes. *United States v. Frank*, 599 F.3d 1221, 1230 (11th Cir. 2010). The court below similarly found that a mere inference is sufficient to overcome the presumption. Pet.App. 21a.

And the Seventh Circuit holds that *Morrison* does not apply to criminal statutes and that, under *Bowman*, the presumption against extraterritoriality is inapplicable to criminal statutes. *United States v. Leija-Sanchez*, 820 F.3d 899, 901 (7th Cir. 2016).

This split represents a stark disagreement among the circuits on how to apply the presumption against extraterritoriality in the context of criminal statutes. Indeed, under this split, if Ojedokun's case had been before the D.C. Circuit or the Second Circuit his conviction would have been reversed. The confusion among the circuits on how the "clear indication" rule established in *Morrison* applies to criminal statutes and on how to interpret *Bowman* in light of *Morrison* requires this Court's intervention.

A. The decision below directly conflicts with this Court's precedent.

In *Smith*, this Court explained that if there is "any lingering doubt" that Congress intended for a statute to apply abroad, the presumption against extraterritorial application is not rebutted. 507 U.S. at 203.[1] There, the Court concluded that although the Federal Tort Claims Act addressed the issue of extraterritorial application in one provision, it did not amount to "clear evidence of congressional intent" and was not sufficient to overcome the presumption. *Id.* at 204.

This Court further clarified the presumption in *Morrison*, declaring that the presumption against applying a statute extraterritorially can only be overcome by a "clear indication" that Congress intended for the statute to apply abroad. 561 U.S. at 255. This presumption applies "in all cases, preserving a stable

[1] The Fourth Circuit erroneously concluded that *Smith*'s "lingering doubt" standard was not "well established" and need not be applied. Pet.App. 18a. n.5 ("Because we do not find the 'lingering doubt' standard to be well established in Supreme Court precedent, we do not discuss it further."). But *Smith* is binding precedent.

background against which Congress can legislate with predictable effects." *Id.* at 261. This Court explained that to determine whether the presumption against extraterritorial application is defeated, "[t]he question is not whether we think 'Congress would have wanted' a statute to apply to foreign conduct 'if it had thought of the situation before the court,' but whether Congress has ***affirmatively and unmistakably*** instructed that the statute will do so." *RJR Nabisco*, 579 U.S. at 335 (emphasis added).

Applying that rule, this Court found that, on its face, nothing in section 10(b) of the Securities Exchange Act suggested it applied abroad. *Morrison*, 561 U.S. at 262. The Court reasoned that (1) the use of the term "interstate commerce," which was defined to include foreign commerce; and (2) Congress's "fleeting reference to the dissemination and quotation abroad of the prices of securities" in describing the purpose of the Exchange Act did not overcome the presumption. *Id.* at 263. Although the Court noted that the Solicitor General's "proposed inference" that section 10(b) applied extraterritorially because another section mentions the Exchange Act's extraterritorial application was a "possible" interpretation of the statute, "possible interpretations of statutory language do not override the presumption against extraterritoriality." *Id.* at 264. Furthermore, "when a statute provides for some extraterritorial application, the presumption against extraterritoriality operates to limit that provision to its terms." *Id.* at 265. Accordingly, there was no "clear indication" that section 10(b) applies extraterritorially. *Id.*

Three years later, in *Kiobel*, this Court confirmed that a statute must "evince a 'clear indication of extraterritoriality,'" before it can be applied abroad. 569 U.S. at 118 (quoting *Morrison*, 561 U.S. 265). This Court found that the Alien Tort Statute did not meet that standard. *Id.* First, nothing in the text of the statute suggested that Congress intended the statute to have extraterritorial reach. *Id.* Second, the historical background against which the statute was enacted, to punish violations of safe conducts, infringement of the rights of ambassadors, and piracy, did not clearly establish Congress's intent for the statute to apply extraterritorially. *Id.* at 119. "The first two offenses have no necessary extraterritorial application," and while piracy typically occurs beyond the territorial jurisdiction of the United States, the existence of such a cause of action was not a sufficient basis for concluding that all causes of action under the statute could reach extraterritorial conduct. *Id.* at 119–21. Therefore, there was "no clear indication of extraterritoriality." *Id.* at 124.

Just three years later, this Court again declared, in *RJR Nabisco*, that "[w]hen a statute gives no clear indication of an extraterritorial application, it has none." 579 U.S. at 335 (quoting *Morrison*, 561 U.S. at 255). The rule "reflects the more prosaic 'commonsense notion that Congress generally legislates with domestic concerns in mind'" and therefore the presumption is applied "across the board[.]" *Id.* at 336 (quoting *Smith*, 507 U.S. at 204, n.5). Thus, the Court determined that the RICO statute could, in certain circumstances, be applied abroad because the presumption against extraterritoriality had been rebutted by a strong showing of Congressional intent. *Id.*

The Court noted that RICO defined prohibited "racketeering activity to include a number of predicates that plainly apply to at least some foreign conduct." *Id.* at 338. These predicates include a prohibition on engaging in money transactions involving criminally derived property that "tak[e] place outside the United States," a prohibition against hostage taking which applies to conduct that "occurred outside the United States," and a prohibition on "kill[ing] a national of the United States, while such national is outside the United States." *Id.* "Congress's incorporation of these (and other) extraterritorial predicates into RICO gives a clear, affirmative indication" that it applies abroad. *Id.* at 339. However, even this clear indication was not sufficient to establish that RICO ***always*** applies extraterritorially. *Id.* "The inclusion of some extraterritorial predicates does not mean that all RICO predicates extend to foreign conduct." *Id.* Thus, only where foreign conduct violates "a predicate statute that manifests an ***unmistakable congressional intent*** to apply extraterritorially," can RICO be applied abroad. *Id.* (emphasis added).

The Fourth Circuit's decision directly conflicts with these decisions. The Fourth Circuit recognized that there is a presumption against extraterritorial application of a statute. Pet.App. 17a. However, in finding that the presumption was overcome, the Fourth Circuit failed to identify a clear congressional intent for Section 1956(h) to apply extraterritorially. As noted above, Section 1956(f) provides for extraterritorial jurisdiction over certain conduct in specific circumstances. Section 1956(h), added six years after subsection (f) was enacted, made conspiracy to commit money laundering a crime but makes no mention of

extraterritorial jurisdiction. The Fourth Circuit inferred that Congress did not amend subsection (f) to specifically encompass the newly added subsection (h) because Congress supposedly believed that subsection (f) already applied to subsection (h). Pet.App. 21a. But the court cited nothing to support this guess—it merely speculated about why Congress may have decided not to amend subsection (f).

As this Court has explained, a "proposed inference" or "possible" interpretation is not a clear indication sufficient to rebut the presumption. *See Morrison*, 561 U.S. at 264. Moreover, that subsection (f) applies to "conduct" does not clearly indicate that Congress intended that subsection (h)—which requires only an agreement and no overt acts, *Whitfield v. United States*, 543 U.S. 209, 214 (2005)—to apply extraterritorially. Subsection (h) only governs conspiracy, which requires an "agreement" between parties, and nothing indicates that Congress intended for "conduct," as the term is used in subsection (f), to apply to subsection (h). Indeed, as this Court has repeatedly observed, "when a statute provides for some extraterritorial application, the presumption against extraterritoriality operates to limit that provision to its terms." *Morrison*, 561 U.S. at 265; *RJR Nabisco*, 579 U.S. at 335. Although subsection (f), enacted in 1986, provides for extraterritorial application of Section 1956 for some offenses, there is no indication that Congress intended for subsection (f) to apply to the subsequently enacted subsection (h).

Accordingly, the Fourth Circuit's opinion finding that Section 1956(g) applied extraterritorially based on an "inference" and purported "logical conclusion" is

in direct conflict with this Court's precedent, which requires a "clear indication" that Congress intended for a statute to apply abroad.

B. The decision below deepens a split over the showing required to overcome the presumption against extraterritoriality.

That the opinion below conflicts with this Court's decisions is reason enough to grant the petition. But the Fourth Circuit has also deepened an existing split among circuit courts as to the showing required to defeat the presumption against applying a criminal statute abroad.

1. The D.C. Circuit and the Second Circuit apply a strong presumption against extraterritorial application of statutes. These circuits recognize that this Court's decisions require a "clear indication" of congressional intent to overcome the presumption against applying a statute abroad for both civil ***and*** criminal statutes. And they interpret *Bowman* as eliminating the presumption only in limited circumstances where a criminal statute is aimed at the government's right to protect itself.

In *United States v. Garcia Sota*, the D.C. Circuit applied the presumption against extraterritorial application to a criminal statute and limited *Bowman* to specific circumstances. 948 F.3d at 358. *Garcia-Sota* involved the government's attempt to hold two defendants who attacked American law enforcement officers in Mexico liable under a statute prohibiting the killing of an officer or employee of the United States or of any agency in any branch of the United States Government (including uniformed service members). *Id.* The court explained that, on its face, the statute did not

speak to extraterritorial application. *Id.* Additionally, "Congress's explicit provision for extraterritorial jurisdiction" in a "nearby" statute "militates against inferring" that the statute at issue should be applied abroad. *Id.* The government argued that under *Bowman*, criminal statutes such as this should be construed to apply extraterritorially. *Id.* at 359. But the D.C. Circuit rejected this argument, explaining that *Bowman* only supports extraterritorial application where the crime at issue "truly depend[s] on the high probability that the criminalized conduct would occur abroad," (*e.g.*, a statute criminalizing the inducement of and assistance with unauthorized entry into the United States, which protects the borders of the United States). *Id.* at 360 (citing *United States v. Delgado-Garcia*, 374 F.3d 1337 (D.C. Cir. 2004)). The prohibition on killing a United States employee was not such a statute. *Id.* Accordingly, the presumption against extraterritoriality was not rebutted, and the statute did not apply to the defendants' conduct in Mexico. *Id.*

The Second Circuit in *Vilar* applied the same rule as the D.C. Circuit to conclude that criminal liability under section 10(b) of the Securities Exchange Act does not apply extraterritorially. 729 F.3d at 72. The Second Circuit cited this Court's precedent and declared that the presumption against extraterritorial application of a statute applies to criminal statutes and that if a statute "gives no clear indication of an extraterritorial application, it has none." *Id.* (quoting *Morrison*, 579 U.S. at 255). Like it did in *Garcia Sota*, the government argued that under *Bowman* the presumption does not apply to criminal statutes. *Id.* The Second Circuit rejected this interpretation explaining

that, "fairly read," *Bowman* stands for the proposition that "the presumption against extraterritoriality ***does*** apply to criminal statutes, except in situations where the law at issue is aimed at protecting 'the right of the government to defend itself.'" *Id.* at 72–73 (quoting *Bowman*, 260 U.S. at 98) (emphasis in original). Moreover, "the distinction the government attempt[ed] to draw between civil and criminal laws [was] no response to the fundamental purposes of the presumption" which is "to protect against unintended clashes between our laws and those of other nations which could result in international discord[.]" *Id.* at 74. Because the Supreme Court in *Morrison* already determined that the presumption against extraterritorial application was not rebutted for section 10(b) in the civil context, the Second Circuit determined the presumption was also not rebutted in the criminal context. *Id.*

2. The Eleventh Circuit and Fourth Circuit acknowledge that there is a presumption against extraterritoriality, but hold that, for criminal statutes, an inference that extraterritorial application might be appropriate is sufficient to rebut the presumption.

In *Frank*, the Eleventh Circuit acknowledged that there is a presumption against applying statutes abroad; however, the court interpreted *Bowman* to provide that for criminal statutes "extraterritorial application can be inferred" "'where the nature of the activities warrant[] a broad sweep of power.'" 599 F.3d at 1230 (quoting *United States v. Baker*, 609 F.2d 134, 137 (5th Cir. 1980)). The court determined that the use of the term "foreign commerce" in a statute criminalizing engaging in illicit sexual conduct with minors "ma[de] plain Congress's intent that the statute sweep

broadly and apply extraterritorially." *Id.* at 1230–31. Extraterritorial application was further supported, the court explained, because "[s]ince 1977, Congress has passed numerous statutes to combat child pornography" and because courts applied other statutes in the same chapter extraterritorially, "further evincing the broad sweep of these statutes." *Id.* at 1231–32. Therefore, because the court found that there was an intent for the statute to have a "broad sweep," the presumption was rebutted. *Id.* at 1232.

The Fourth Circuit's reasoning is similar to that applied by the Eleventh Circuit. Like the Eleventh Circuit, the Fourth Circuit recognized that there is a presumption against extraterritorial application of a statute. Pet.App. 21a, 24a. But it then determined that this presumption was rebutted based on an inference and "logical conclusion." *Id.* at 24a. Specifically, the court inferred that Congress did not amend subsection (f) because it believed that subsection (f) already applied to the subsequently enacted subsection (h). *Id.* at 21a. It also determined that an "agreement" as required for a conspiracy charge under subsection (h) amounts to "conduct" as the term is used in subsection (f) resulting in the "logical conclusion" that Congress intended that subsection (h) apply extraterritorially. *Id.* at 24a. Notably, the Fourth Circuit did not identify any express indication (much less a clear indication), that Congress specifically intended for subsection (h) to apply abroad. The Fourth Circuit instead determined the presumption was rebutted based on its speculation of what Congress must have meant.

3. The Seventh Circuit holds that the presumption against extraterritorial application does not apply to

criminal statutes at all. In *Leija-Sanchez*, the Seventh Circuit concluded that the presumption against extraterritoriality as established by this Court's *Morrison* decision applies only to civil statutes. 820 F.3d at 901. A few months before the *Morrison* opinion was issued, the Seventh Circuit issued a decision in *Leija-Sanchez* finding that a criminal statute applied abroad. 602 F.3d 797, 798 (7th Cir. 2010), *as amended on denial of reh'g and reh'g en banc* (May 21, 2010). The court reasoned that civil statutes require a "clear legislative decision" before they can be applied abroad because "nations often differ with respect to acceptable conduct." *Id.* However, the Seventh Circuit reasoned that nations "do not differ to the same extent in the way they treat murder." *Id.* at 799. The court then interpreted *Bowman* to require it to find that the criminal statute applied extraterritorially. *Id.* The Seventh Circuit later explained that *Morrison* did not undermine its 2010 decision because "[a] decision such as *Bowman*, holding that criminal and civil laws differ with respect to extraterritorial application, is not affected by yet another decision showing how things work on the civil side." 820 F.3d at 901.

* * *

"The presumption against extraterritorial application helps ensure that the Judiciary does not erroneously adopt an interpretation of U.S. law that carries foreign policy consequences not clearly intended by the political branches." *Kiobel*, 569 U.S. at 116. This presumption applies "in all cases" to provide Congress with "a stable background against" which to legislate. *Morrison*, 561 U.S. at 261. Despite this Court's unambiguous precedent, not all circuits require a clear in-

dication of congressional intent to overcome the presumption against extraterritoriality of criminal statutes. Indeed, the cases discussed are emblematic of the inconsistent application of the presumption of extraterritoriality in the context of criminal statutes recognized by commentators. *See, e.g.*, Julie Rose O'Sullivan, *The Extraterritorial Application of Federal Criminal Statutes: Analytical Roadmap, Normative Conclusions, and a Plea to Congress for Direction*, 106 Geo. L.J. 1021 (2018); Ryan Walsh, *Extraterritorial Confusion: The Complex Relationship Between* Bowman *and* Morrison *and a Revised Approach to Extraterritoriality*, 47 Val. U. L. Rev. 627 (2013); Jeffrey A. Meyer, *Dual Illegality and Geoambiguous Law: A New Rule for Extraterritorial Application of U.S. Law*, 95 Minn. L. Rev. 110 (2010).

This Court's intervention is thus necessary to confirm that *Morrison* applies to both criminal and civil statutes and requires a "clear indication" that Congress intended for a statute to apply abroad to overcome the presumption.

II. The question presented is exceptionally important and recurring.

Scholarly commentary about extraterritoriality and the *Morrison* test highlights the importance of the question presented and the inconsistencies in how lower courts apply *Morrison* and analyze extraterritoriality in criminal cases. The Court now can resolve those inconsistencies. This would be more than just an academic exercise. Clarifying the law will also help foreign individuals and entities operating in an increasingly cross-border landscape to understand their legal obligations with respect to this country and will

ensure that courts do not apply a statute abroad that Congress did not intend to so apply and where such application could impact foreign policy considerations.

Commentators have described the inconsistencies plaguing the courts in applying the presumption against extraterritoriality, especially in "geoambiguous" criminal statutes. *See* Meyer, *Dual Illegality and Geoambiguous Law*, *supra* (describing "geoambiguous" laws as those that regulate conduct but remain silent on whether they apply to acts occurring outside the United States, noting that "the conflicted approach of U.S. courts to extraterritoriality remains more troubling than ever, as globalization explodes and a staggering number of U.S. laws are and remain geoambiguous," and identifying dozens of geoambiguous criminal statutes); Walsh, *Extraterritorial Confusion*, *supra* (noting inconsistent application of *Morrison* and *Bowman* and endorsing a framework of analysis that begins with a strict reading of the presumption against extraterritoriality); O'Sullivan, *The Extraterritorial Application of Federal Criminal Statutes*, *supra* (discussing tension between *Morrison* and *Bowman* approaches to extraterritorial application of criminal laws and arguing that the presumption should apply more strictly in the criminal context).

The Court now can resolve these inconsistencies in how the presumption against extraterritoriality is applied in criminal cases by clarifying that at step one of the *Morrison* test, the presumption against extraterritoriality is rebutted only if there is a "clear indication" and no "lingering doubt" remains about the statute's extraterritorial application. And because here there is considerable doubt about Congress's intent with respect to Section 1956(h), that doubt should be

resolved against its extraterritorial application. *See Smith*, 507 U.S. at 203.

This case involves an individual non-United States citizen prosecuted for his conduct taking place wholly outside the United States, but resolution of the question presented also has important implications for businesses operating transnationally. As businesses continue to globalize and operate across jurisdictions, they need clarity about the scope and reach of United States law to understand their legal obligations. Notwithstanding the presumption against extraterritorial application of U.S. law, foreign financial institutions have increasingly been the targets of criminal prosecution for violations of U.S. law, including for conduct taking place primarily outside the United States, based on extraterritorial applications of United States criminal statutes. *See* Pierre-Hugues Verdier, *The New Financial Extraterritoriality*, 87 Geo. Wash. L. Rev. 239, 246–50 (2019) (describing prosecutions of Swiss bank UBS, British bank Barclays, and United Kingdom-based bank HSBC for conduct taking place outside of the United States). These criminal prosecutions result in fines and, through deferred prosecution and non-prosecution agreements, allow United States prosecutors to set conditions on the global operations of international banks. *Id.* at 255. Legitimate businesses are also at risk of being swept up in criminal charges because technological advances make it easier for criminal enterprises to operate across borders and hide ill-gotten profits among clean money. Melvin L. Otey, *Why RICO's Extraterritorial Reach is Properly Coextensive with the Reach of Its Predicates*, 14 J. Int'l Bus. & L. 33, 45–48 (2015). Clarifying what constitutes a "clear indication" and how

Morrison applies to criminal statutes would provide businesses with much-needed clarity as to which United States statutes apply to their conduct.

Furthermore, the opinion below implies that the presumption against extraterritoriality would not prevent a prosecutor from bringing a criminal case against a foreign entity that, although not part of a fraudulent scheme itself, transferred ill-gotten gains originating in part in the United States. As explained, such a reading of Section 1956(h) is mistaken and assumes congressional intent where there is no clear indication about whether that intent included extraterritorial application of the conspiracy provision. Interpreting Section 1956(h) with the strong presumption against extraterritoriality at the forefront most closely reflects Congress's intent not to require foreign actors to become aware of United States laws. *See* S. Rep. No. 433, at 14 (1986). A strong presumption against extraterritoriality uniformly applied by the courts would also result in more precise and explicit drafting by Congress of statutes meant to apply to activities outside of the United States. Thus, the application of statutes to foreign actors and associated risks of prosecution would become more predictable.

III. The decision below is wrong.

The Fourth Circuit wrongly concluded Section 1956 reached Ojedokun's conduct in Nigeria. The court seized on subsection (f), which explicitly permits the extraterritorial application of certain subsections of Section 1956 in limited circumstances, to support its conclusion that subsection (h) extends to a non-United States citizen operating wholly outside of the United States. The Fourth Circuit's opinion, however, failed

to demonstrate that Congress clearly and unmistakably intended for subsection (h) to apply extraterritorially.

As discussed, federal laws are construed to have only domestic application unless there is a "clearly expressed congressional intent to the contrary[.]" *RJR Nabisco*, 579 U.S. at 335 (citing *Morrison*, 561 U.S. at 255). Indeed, "[w]hen a statute gives no clear indication of an extraterritorial application, it has none." *Morrison*, 561 U.S. at 255. The clear indication test is a demanding standard. The inquiry is not whether a court thinks "Congress would have wanted" a statute to apply to foreign conduct "if it had thought of the situation before the court," but whether Congress has affirmatively and unmistakably instructed that the statute will do so. *Id.* at 260–61. Any "lingering doubt" as to whether Congress intended for the statute to apply abroad must be resolved against extraterritorial application. *Smith*, 507 U.S. at 203.

Subsection (f), enacted in 1986, provides for extraterritorial jurisdiction over prohibited money laundering if: "(1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and (2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding $10,000." 18 U.S.C. § 1956(f). Six years later, Congress added subsection (h), making it a crime to conspire to commit any of the offenses outlined in Sections 1956 and 1957. There is no indication from the plain language of subsection (h) that Congress clearly intended for subsection (h), like other subsections of Section 1956, to apply extraterritorially or intended subsec-

tion (f) to apply to conspiratorial activities contemplated by subsection (h). There are three other reasons to doubt that there is any connection between subsection (f) and subsection (h).

1. First, the drafting history of Section 1956 demonstrates that, at best, Congress' intent as to whether subsection (h) applies abroad is ambiguous. Congress enacted subsection (f) in 1986. At that time, Section 1956, which prohibits money laundering, did not include a provision criminalizing conspiracy to launder money. *Whitfield*, 543 U.S. at 213. Six years later, when Congress added subsection (h) to Section 1956, it failed to amend subsection (f) in any manner. Indeed, Congress has not exercised its authority to alter subsection (f) at any point in the 30 years since it passed subsection (h). And the plain reading of Section 1956 is that the "conduct prohibited by this section" language as used in subsection (f) plainly does not include subsection (h) because subsection (h) was not part of "this section" in 1986. Of course, Congress when drafting subsection (h) could have elected to either amend subsection (f) to clearly apply to subsection (h) or simply state that subsection (h) applies extraterritorially. It did neither.

Ignoring this history, the Fourth Circuit instead determined that an inference "that Congress's failure to amend § 1956(f) demonstrates its perception that subsection (f)'s original terms encompass subsection (h) conspiracy offenses." Pet.App. 21a. The Fourth Circuit reasoned that Congress "may well not have amended or otherwise updated subsection (f) because it understood that provision—as drafted in 1986—already to be sufficiently broad to apply to all 'conduct prohibited by' the totality of § 1956, to include conspiratorial

agreements under § 1956(h)." *Id.* It pointed to no authority relevant to the text or history of subsection (h) in support of its conclusion. *Id.*

But the clear indication standard cannot be defeated by pure speculation. As explained above, this Court requires a clear indication of congressional intent to rebut the presumption. *Morrison*, 561 U.S. at 261. Possible interpretations of statutory language, like those offered by the Fourth Circuit, are not sufficient. *Id.* at 264. And the Fourth Circuit conceded that its assessment of the plain language and history of subsections (f) and (h) is one of two possible interpretations. Pet.App. 21a. Indeed, the Fourth Circuit's assessment, by its own admission, is not even the better interpretation. Rather, it is merely a competing interpretation that is "at least as strong as Ojedokun's argument to the contrary." *Id.* These two competing interpretations at most render Congress's intent ambiguous—far short of a "clear indication."[2]

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[2] Significantly, the language of § 1956(f) was not drafted with conspiracy offenses in mind. For example, § 1956(f)(2) provides that "[t]here is extraterritorial jurisdiction over the conduct prohibited by this section if . . . the transaction or series of related transactions involves funds or monetary instruments of a value exceeding $10,000." Yet, in a money-laundering conspiracy, a completed financial "transaction" is not an element of the offense in the way that it is for a "substantive" money-laundering offense. *See Whitfield*, 543 U.S. 213–14 ("conspiracy does not make the doing of any act other than the act of conspiring a condition of liability. . . .") (quotation marks omitted). A mere conspiratorial agreement to engage in a transaction thus does not "involve" a monetary transaction in excess of $10,000. *See Shular v. United States*, 140 S. Ct. 779, 785 (2020) (interpreting "involve" in 18 U.S.C. § 924(e)(2)(A)(ii) to mean "necessarily requir[e]") (citing

In fact, the Fourth Circuit's "inference" and "logical conclusion" clashes with the legislative history of Section 1956. The Senate Report explains that subsection (f) was not intended "to impose a duty on foreign citizens operating wholly outside of the United States to become aware of U.S. laws." S. Rep. No. 433, at 14. Congress's failure to amend subsection (f) and to indicate whether "conduct" encompasses a conspiracy leaves more than a "lingering doubt" about its intention, especially considering the legislative history. Because the Fourth Circuit failed to identify a clear indication that Congress intended subsection (h) to apply abroad, its decision is contrary to this Court's precedent.

2. Second, the Fourth Circuit's tortured analysis of subsection (h) also violates well-established principles of statutory interpretation. Based on nothing more than assumed inferences, the Fourth Circuit concluded that the earlier-enacted subsection (f) likely applies to subsection (h). Pet.App. 21a. This interpretation of Section 1956, however, implicitly adds the terms of subsection (f) to subsection (h) without express authorization from Congress. A court cannot do this. *See Sale v. Haitian Ctrs. Council, Inc.*, 509 U.S. 155, 168 n.16 (1993) ("[W]e may not add terms or provisions where congress has omitted them[.]"). Accordingly, the Fourth Circuit wrongly concluded that Congress intended for subsection (h) to apply extraterritorially.

3. Even if subsection (f) could be interpreted to apply to subsection (h), the requirements for subsection

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Random House Dictionary of the English Language 1005 (2d ed. 1987)).

(f) to allow for extraterritorial application are not satisfied. Subsection (f)(1) contains two clauses. It reads in its entirety: "There is extraterritorial jurisdiction over the conduct prohibited by this section if . . . the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States[.]" 18 U.S.C. § 1956(f)(1). The first clause is clear—the money laundering statute reaches the extraterritorial conduct of a United States citizen if the United States citizen personally engages in prohibited conduct. The same is not true of the second clause, because ambiguity exists as to whether the non-United States citizen must personally commit conduct in the United States.

Application of well-settled principles of statutory construction resolves this ambiguity. It is a "fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme." *Davis v. Mich. Dep't of Treasury*, 489 U.S. 803, 809 (1989). The Fourth Circuit therefore was required to interpret the first and second clauses in subsection (f) "as a symmetrical and coherent regulatory scheme" (*Gustafson v. Alloyd Co.*, 513 U.S. 561, 569 (1995)), and "fit, if possible, all parts into a[] harmonious whole" (*FTC v. Mandel Bros., Inc.*, 359 U.S. 385, 389 (1959)). Courts cannot treat provisions of the same statute "as islands unto themselves." *Graham Cnty. Soil & Water Conservation Dist. v. U.S. ex rel. Wilson*, 559 U.S. 280, 289–90 (2010). This is because they have a "duty to construe statutes, not isolated provisions." *Id.* In this regard, the *pari materia* canon of construction demands that use of the word "conduct" in the second clause of subsection (f)(1) be read to have the same

meaning as "conduct" in the first clause. *See Erlenbaugh v. United States*, 409 U.S. 239, 244 (1972). Subsection (f) therefore provides for extraterritorial jurisdiction over conduct by a non-United States citizen, so long as *that conduct* occurs in part in the United States. *Graham Cnty.*, 559 U.S. at 290–91 (rejecting argument "that § 3730(e)(4)(A)'s two references to 'administrative' can be" reasonably interpreted to have different meanings).

The Fourth Circuit incorrectly interpreted subsection (f) to mean that Section 1956 applies extraterritorially to a non-United States citizen so long as any part of the conspiracy takes place in the United States. This reading of subsection (f) disregards the legislative history and rules of statutory construction discussed above and leads to absurd results. Here, the Fourth Circuit reasoned that subsection (f) applied extraterritorially to Ojedokun—who resided and worked exclusively in Nigeria for the duration of the conspiracy—because "ample overt acts in furtherance of the conspiracy taken in the United States, including communications with fraud victims, purchases of goods with the fraud proceeds, and wire transfers intended to conceal the illicit source of the funds" although none of those acts were committed by Ojedokun. Pet.App. 29a. If the Fourth Circuit's rule were left in place, any foreign citizen abroad with even the most attenuated connection to a fraudulent conspiracy that occurs in any manner within the United States could be criminally charged notwithstanding the lack of any conduct by that person in the United States.

Indeed, the legislative history of Section 1956 establishes that Congress did not clearly intend for Sec-

tion 1956(h) to apply extraterritorially where the conduct by a non-United States citizen occurs entirely outside of the jurisdiction of the United States. Congress enacted Subsection (f) to clarify the scope of Section 1956, explaining that its intent was to "limit[] extraterritorial jurisdiction over the [money-laundering] offense." S. Rep. No. 433, at 14. To further underscore this point, Congress provided two examples of when conduct by a non-United States citizen would sufficiently affect the interests of the United States to warrant extraterritorial application of Section 1956: (1) where a non-United States citizen transfers by wire money from a bank in the United States or (2) where a non-United States citizen operating in the United States instructs one foreign bank to transfer funds to another foreign bank. *Id.* Both examples involve circumstances where a non-United States citizen personally engages in conduct in the United States—something Ojedokun did not do. Ojedokun was convicted of sending and receiving "by email information concerning the fraud victims' payments, including electronic documents confirming bank account deposits." Pet.App. 4a. His actions did not involve a United States institution. While the underlying scheme discussed in the emails took place in the United States, Ojedokun's actions were wholly separate from the United States-based conspiracy.

Moreover, accepting the Fourth Circuit's interpretation of subsection (f) renders it impermissibly vague because it fails to put a non-United States citizen living and working entirely outside of the United States on notice of what conduct subsection (h) prohibits. A criminal statute that "fails to give ordinary people fair

notice of the conduct it punishes, or [is] so standardless that it invites arbitrary enforcement[] . . . 'violates the first essential of due process.'" *Johnson v. United States*, 576 U.S. 591, 595 (2015). The onus is on Congress to draft laws that give fair warning of the proscribed conduct. It is not appropriate for the judicial branch to define what conduct is sanctionable and what is not. *Sessions v. Dimaya*, 138 S. Ct. 1204, 1212 (2018). But that is exactly what happened here. The Fourth Circuit refused to adopt the most commonsense interpretation of the two clauses of subsection (f) that reads the clauses harmoniously. Instead, it adopted a broad view of the non-United States citizen clause that allows a person, like Ojedokun, who lived and worked entirely outside of the United States and who played a minimal role in an alleged conspiracy to be charged under Section 1956 simply because another member of the conspiracy at any time—no matter how brief—perpetrated some aspect of the conspiracy in the United States. This reading of the statute does not give ordinary people, like Ojedokun, fair notice of what conduct is prohibited by the statute because it literally applies to any type of conduct so long as it occurred at some point in the United States.

Accordingly, even if subsection (f) could be interpreted to apply to a charge under subsection (h) (which it cannot), the requirements for subsection (f) to reach Ojedokun's conduct are not satisfied. Therefore, the Fourth Circuit's opinion is wrong.

IV. This case is an ideal vehicle for this Court to address the extraterritorial application of federal criminal statutes.

This case is an ideal vehicle to address the question presented for three reasons: the facts of Ojedokun's case are simple yet illustrative of the concerning implications of the Fourth Circuit's ruling; there are no procedural barriers; and the question presented has been extensively developed below in a published opinion.

First, the facts of this case are simple, but they clearly demonstrate the potential for prosecutorial overreach if the Fourth Circuit's ruling is allowed to stand. Ojedokun is a citizen of Nigeria, and none of his actions that the government alleges were part of a conspiracy took place in the United States. As explained, Ojedokun did not enter the United States until two years after the alleged conspiracy was completed. Pet.App. 4a. This case is precisely the type to which Congress was referring when it said in the Senate Report for Section 1956 that "[i]t is not the Committee's intention to impose a duty on foreign citizens operating wholly outside of the United States to become aware of U.S. laws . . . ." S. Rep. No. 433, at 14. Yet Ojedokun is now in prison because the Fourth Circuit erroneously applied Section 1956(h) extraterritorially—contrary to this legislative history and established Supreme Court precedent.

Second, there are no procedural barriers to reaching the merits of the question presented. Both the district court and the Fourth Circuit addressed the merits of the extraterritorial jurisdiction issue, deciding

clearly (but erroneously) that Section 1956(f)'s extraterritorial provision extended to Section 1956(h).

Third, the issue has been extensively developed below. Ojedokun first raised it in the District Court where both parties fully briefed the issue. The issue was again raised on appeal by Ojedokun, briefed by both parties, and addressed during oral argument, and addressed at length in the Fourth Circuit's published opinion. Pet.App. 17a–30a. Ojedokun again briefed the issue in his Motion for Rehearing *en banc* in the Fourth Circuit. In sum, the extraterritoriality of Section 1956(h) has been considered by both courts below and is sufficiently ripe for review by this Court.

CONCLUSION

The Court should grant the petition for a writ of certiorari.

April 22, 2022

Respectfully submitted,

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