No. 17-1559

In the Supreme Court of the United States

LEONARDO VILLEGAS-SARABIA, PETITIONER

v.

JEFFERSON B. SESSIONS III, ATTORNEY GENERAL

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

BRIEF FOR THE RESPONDENT IN OPPOSITION

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QUESTION PRESENTED

Whether misprision of a felony in violation of 18 U.S.C. 4 is a "crime involving moral turpitude" under the Immigration and Nationality Act, 8 U.S.C. 1101 *et seq.*

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-26a) is reported at 874 F.3d 871. The decision of the Board of Immigration Appeals (Pet. App. 27a-35a) and the written decision and order of the immigration judge (Pet. App. 36a-44a) are unreported.

JURISDICTION

The judgment of the court of appeals was entered on October 31, 2017. A petition for rehearing was denied on December 15, 2017 (Pet. App. 45a-47a). On March 7, 2018, Justice Alito extended the time within which to file a petition for a writ of certiorari to and including May 14, 2018, and the petition was filed on that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

1. a. A conviction for a "crime involving moral turpitude" has been a basis for exclusion from the United States since at least 1891, and a basis for deportation since 1917. See Act of Mar. 3, 1891, ch. 551, § 1, 26 Stat. 1084; Immigration Act of 1917, ch. 29, § 19, 39 Stat. 889; see also *Jordan* v. *De George*, 341 U.S. 223, 229 n.14 (1951). Under current law, "any alien convicted of * * * a crime involving moral turpitude (other than a purely political offense) * * * is inadmissible." 8 U.S.C. 1182(a)(2)(A)(i). The Attorney General may waive inadmissibility under many circumstances, but may not waive the inadmissibility of an alien who has also been convicted of an aggravated felony. 8 U.S.C. 1182(h).

The Board of Immigration Appeals (Board) has interpreted the term "crime involving moral turpitude" through case-by-case adjudication. It has explained that such crimes involve "conduct that is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general." *In re Mendez*, 27 I. & N. Dec. 219, 221 (B.I.A. 2018); see *In re Ajami*, 22 I. & N. Dec. 949, 950 (B.I.A. 1999) (citing *In re Franklin*, 20 I. & N. Dec. 867, 868 (B.I.A. 1994), aff'd, 72 F.3d 571 (8th Cir. 1995), cert. denied, 519 U.S. 834 (1996); *In re Short*, 20 I. & N. Dec. 136, 139 (B.I.A. 1989); *In re Danesh*, 19 I. & N. Dec. 669, 670 (B.I.A. 1988); *In re Flores*, 17 I. & N. Dec. 225, 227 (B.I.A. 1980)). It has stated that "[m]oral turpitude has been defined as an act which is per se morally reprehensible and intrinsically wrong or malum in se, so it is the nature of the act itself and not the statutory prohibition of it which renders a crime one of moral turpitude," and "[a]mong the tests to determine if a crime involves moral turpitude is whether the

act is accompanied by a vicious motive or corrupt mind." *In re Ajami*, 22 I. & N. Dec. at 950.

The Board has considered whether misprision of a felony is a crime involving moral turpitude on several occasions including, most recently, in a published opinion six months ago. See *Mendez*, 27 I. & N. Dec. at 221-223. The Board initially held that misprision was not a crime involving moral turpitude in 1966, in a case involving an alien convicted of harboring a fugitive and misprision. *In re Sloan*, 12 I. & N. Dec. 840, 842 (B.I.A. 1966), rev'd, 12 I. & N. Dec. 853 (A.G. 1968). The Board concluded that the alien was not deportable because neither offense qualified as a crime of moral turpitude. *Ibid.* The Attorney General reversed the Board's decision on the ground that harboring a fugitive is a crime involving moral turpitude, but did not address misprision. 12 I. & N. Dec. at 854.

In 2006, the Board concluded that misprision of a felony is a crime involving moral turpitude, overruling the part of *Sloan* that the Attorney General had not addressed. *In re Robles-Urrea*, 24 I. & N. Dec. 22, 25. The Board stated that it had "little hesitation," in light of "some 40 years of intervening decisions of the Federal courts and the Board interpreting the standard for crimes involving moral turpitude since [*In re*] *Sloan* was decided," that misprision constituted a crime involving moral turpitude. *Id.* at 26. The Board further stated that it agreed with the decision of "the only court of appeals to address the question" that misprision "represents conduct that is inherently base or vile and contrary to the accepted rules of morality and duties owed between persons or to society in general." *Ibid.* (discussing *Itani* v. *Ashcroft*, 298 F.3d 1213 (11th Cir. 2002) (per curiam)).

The Ninth Circuit, however, vacated the *Robles-Urrea* removal order. *Robles-Urrea* v. *Holder*, 678 F.3d 702, 711 (2012). Judge Reinhardt, writing for the court, stated that the Board had "entirely fail[ed] to explain why misprision of a felony is 'inherently base, vile, or depraved.'" *Id.* at 708. The court faulted the Board for relying on the reasoning of *Itani*, stating that *Itani's* reasoning was flawed insofar as it relied on the fact that misprision "runs contrary to accepted societal duties." *Id.* at 709 (citation omitted). The court found that basis inadequate because the "commission of any crime, by definition, runs contrary to some duty owed to society." *Ibid.* (citation omitted). And the court stated that beyond its citation of *Itani*, the *Robles-Urrea* decision "lack[ed] any reasoned foundation." *Ibid.* The court acknowledged that many decisions had found intentional crimes of concealment to involve moral turpitude, *id.* at 710 (cataloging cases), but it suggested that misprision of a felony differed from those crimes "because it requires not a specific intent to conceal or obstruct justice, but only knowledge of the felony," *ibid.*

The Ninth Circuit also wrote that the Board's holding would result in the "peculiar rule" that "even where a principal offender has not committed a crime involving moral turpitude, a person who conceals that crime—and who thereby commits misprision of a felony—might be considered to have done so." *Robles-Urrea*, 678 F.3d at 710-711. The court of appeals noted that in a case decided after *Robles-Urrea*, the Board "explained that such a result is permissible because the affirmative concealment of a crime involves fraudulent behavior, regardless of the underlying crime." *Id.* at 711 n.7 (citing *In re Tejwani*, 24 I. & N. Dec. 97, 99 (B.I.A. 2007)). But the court declined to address that explanation because

Robles-Urrea did "not offer this rationale or rely on a finding of fraudulent behavior." *Ibid.*

After the Ninth Circuit's decision, the Second Circuit remanded a case involving misprision to the Board, asking "the Board to clarify" its classification of misprision in light of the Ninth Circuit's rejection of the reasoning of *Robles-Urrea*. *Lugo* v. *Holder*, 783 F.3d 119, 121 (2d Cir. 2015).

The Board did so in a published opinion this past February. *Mendez*, 27 I. & N. Dec. at 221-223. The Board began by noting the accepted definition of moral turpitude as "refer[ring] generally to conduct that is 'inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general.'" *Id.* at 221 (citation omitted). The Board further noted that such an offense must involve "both a culpable mental state and reprehensible conduct." *Ibid.*

The Board concluded that "misprision of a felony under 18 U.S.C. § 4 is categorically such a crime." *Mendez*, 27 I. & N. Dec. at 221. It explained that in order to be convicted of misprision, a defendant with full knowledge that a principal committed a felony must not only fail to notify the authorities but also take "affirmative steps" to conceal the crime. *Id.* at 223 (citation omitted). The Board reasoned that "the affirmative act of concealing a known felony" constitutes "reprehensible conduct that is morally turpitudinous," relying on cases dating back to 1928 that have "held that concealment offenses are crimes involving moral turpitude." *Id.* at 221 (citing cases involving concealment to hide wrongdoing and a case involving concealment of assets in bankruptcy).

The Board considered and rejected the argument that misprision cannot be a crime involving moral turpitude because a person can commit misprision by performing affirmative acts to conceal a felony that is not itself turpitudinous. The Board noted cases holding that being an accessory after the fact could not be a crime involving moral turpitude based on similar reasoning. *Mendez*, 27 I. & N. Dec. at 222-223. But the Board concluded that misprision is dissimilar from accessory after the fact, because misprision necessarily involves an act of concealment of an underlying felony, while accessory after the fact does not. *Ibid.* The Board further observed that "the range of punishment for misprision is fixed without regard to the underlying felony, while the range for accessory after the fact is directly tied to the potential punishment of the principal." *Ibid.*

The Board also determined that "the misprision statute encompasses the requisite scienter for the offense to be a crime involving moral turpitude." *Mendez*, 27 I. & N. Dec. at 223. It held that "[w]hile the language of 18 U.S.C. § 4 does not explicitly require that the act of concealment be intentional, such intent is implicit because it must be shown that the 'defendant took steps to conceal the crime.'" *Ibid.* The Board compiled case law and other authority establishing that misprision requires an intentional and willful act of concealment. *Id.* at 223-224. Accordingly, the Board stated that it "reaffirmed [its] holding in [*In re*] *Robles*," and would not follow the Ninth Circuit's decision in *Robles-Urrea* outside of the Ninth Circuit. *Id.* at 225. The respondent in that case filed a petition for review of the Board's order, which is currently pending before the Second Circuit. No. 18-801 (filed Mar. 23, 2018).

2. a. Petitioner is a native and citizen of Mexico who became a lawful permanent resident of the United States in 1985. Pet. App. 3a-4a, 37a. He was convicted of misprision of a felony in 1997 and sentenced to 15 months in prison. *Id.* at 40a. He was also convicted in 2012 of possession of a firearm by a convicted felon, in violation of 18 U.S.C. 922, and sentenced to 30 months in prison. Pet. App. 4a, 40a-41a.

b. An immigration judge determined that petitioner was removable under 8 U.S.C. 1227(a)(2)(C), which makes removable any alien convicted under any law prohibiting possession or use of a firearm. The immigration judge further determined that petitioner was ineligible for relief from removal in the form of an adjustment of status. Pet. App. 39a-43a. The immigration judge determined that petitioner's conviction for a crime involving moral turpitude (misprision of a felony) rendered him inadmissible and therefore ineligible for adjustment of status. While the Attorney General can waive the ground of inadmissibility to allow an adjustment of status, the immigration judge explained that the Attorney General could not waive the inadmissibility of an alien convicted of an aggravated felony, as petitioner had been when he was convicted of possessing a firearm following a felony conviction. *Ibid.*

c. The Board dismissed petitioner's appeal in an unpublished decision. Pet. App. 27a-35a. As relevant here, it rejected petitioner's claim that he was eligible for adjustment of status because he had not been convicted of a crime involving moral turpitude. *Id.* at 34a-35a. While the Board's decision in petitioner's case preceded the Board's precedential decision developing its reasoning on misprision in *Mendez*, the Board explained that petitioner's misprision conviction was for a

crime involving moral turpitude under the Board's earlier decision in *Robles-Urrea* and that *Robles-Urrea* was consistent with Fifth Circuit precedent. *Ibid.*

3. The Fifth Circuit denied a petition for review. Pet. App. 1a-26a. The court of appeals stated that it would give "*Chevron* deference to the [Board's] interpretation of the term 'moral turpitude' and its guidance on the general categories of offenses which constitute" crimes involving moral turpitude, while reviewing de novo "whether a particular crime is a [crime involving moral turpitude]." *Id.* at 10a.

Applying that approach, the court of appeals determined that petitioner's conviction was for a crime involving moral turpitude. It observed that "'crimes including an element of intentional deception are crimes involving moral turpitude'" and that "deceit is an essential element of misprision of a felony." Pet. App. 13a (citations omitted). It further noted that it had held that "because misprision of a felony requires assertive dishonest conduct, it necessarily requires an intentional act of deceit." *Id.* at 14a. Taking these cases together, the court determined, "necessarily leads to the conclusion that misprision of a felony is a [crime involving moral turpitude]." *Id.* at 14a-15a.

The court of appeals then surveyed the approaches of other courts. It noted that the Eleventh Circuit had held that misprision is a crime involving moral turpitude and the Ninth Circuit had disagreed. It noted that the Second Circuit had then invited the Board to provide greater clarity by "declin[ing] to rule on the issue" and "concluding instead that the question would 'best [be] addressed in the first instance by the Board in a precedential opinion.'" Pet. App. 16a (quoting *Lugo*, 783 F.3d at 120-121) (second set of brackets in original).

The court observed (in a decision predating *Mendez*) that the Board "ha[d] yet to issue a precedential ruling in response." *Ibid.* But the court rejected the Ninth Circuit's reasoning even without the Board's further precedential guidance, emphasizing that misprision necessarily involved deceitful conduct. *Id.* at 18a-20a.

ARGUMENT

Petitioner contends (Pet. 12-18, 31-38) that this Court should grant certiorari to decide whether misprision of a felony in violation of 18 U.S.C. 4 is a crime involving moral turpitude. The court of appeals correctly affirmed the Board's determination that misprision of a felony does constitute such an offense, and further review is not warranted. While the Ninth Circuit has previously declined to defer to the Board's determination regarding the classification of misprision of a felony, it did so before the Board's most recent precedential decision on the issue, which supplied analysis that the Ninth Circuit found lacking. No court has had the opportunity to consider that precedential decision, which was issued only six months ago. Under these circumstances, this Court's consideration of whether misprision constitutes a crime involving moral turpitude would be, at minimum, premature. The petition should be denied.

1. The court of appeals correctly affirmed the Board's determination that petitioner's misprision conviction constituted a crime involving moral turpitude. Crimes involving moral turpitude are those that involve conduct that "is 'inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general'" and that involve "both a culpable mental state and reprehensible conduct." *In re Mendez*, 27 I. & N. Dec. 219, 221

(B.I.A. 2018) (citation omitted); see *In re Flores*, 17 I. & N. Dec. 225, 227 (B.I.A. 1980) (stating that a crime involving moral turpitude must require "a vicious motive or a corrupt mind"); see also Pet. 7.

Both the Board and the courts have long treated intentional acts of fraud and deceit as falling within this definition. In addressing a fraud offense in 1951, this Court stated that "[t]he phrase 'crime involving moral turpitude' has without exception been construed to embrace fraudulent conduct." *Jordan* v. *De George*, 341 U.S. 223, 232; see *ibid.* ("[T]he decided cases make it plain that crimes in which fraud was an ingredient have always been regarded as involving moral turpitude."). And courts have likewise determined that the category encompasses crimes that involve affirmative acts to conceal wrongdoing. See, *e.g.*, *Villatoro* v. *Holder*, 760 F.3d 872, 877-878 (8th Cir. 2014) (tampering with records with the intent to conceal wrongdoing); *Fuentes-Cruz* v. *Gonzales*, 489 F.3d 724, 726 (5th Cir. 2007) (per curiam) (unlawful transport of an individual in a manner "designed to conceal" the person from law enforcement) (emphasis omitted); *Padilla* v. *Gonzales*, 397 F.3d 1016, 1020-1021 (7th Cir. 2005) (obstruction of justice under a state law requiring concealment of criminal activity); *Smalley* v. *Ashcroft*, 354 F.3d 332, 336-339 (5th Cir. 2003) (money laundering offense requiring intent to conceal proceeds of illegal drug activity); see also *Robles-Urrea* v. *Holder*, 678 F.3d 702, 710 (9th Cir. 2012) (identifying "crimes of concealment that have been found to involve moral turpitude").

The Board and the court below properly concluded that misprision of a felony is a crime involving moral turpitude under these precedents. Misprision of a fel-

ony requires intentional, affirmative acts to conceal serious wrongdoing. See *Mendez*, 27 I. & N. Dec. at 223-225. Even if not every act of deceit is "inherently base, vile, or depraved," "the affirmative act of concealing a known felony" qualifies. *Id.* at 221, 223 (citation omitted). As the Ninth Circuit itself has recognized, crimes of concealment have been found to be crimes involving moral turpitude when the concealment offenses involve "specific intent to conceal or obstruct justice," in addition to "knowledge of the felony." *Robles-Urrea*, 678 F.3d at 710 (emphasis omitted). The Board in *Mendez* properly determined, after reviewing case law and charging instruments, that misprision of a felony under federal law is an offense of this type, because it requires not simply knowledge but affirmative acts undertaken with specific intent to conceal the felony offense. 27 I. & N. Dec. at 223 (stating that the intent to conceal is "implicit because it must be shown that the 'defendant took steps to conceal the crime'"); see *id.* at 223-224 (compiling authorities). And the type of concealment involved in misprision—concealment of a felony—has long been regarded as reprehensible, under statutes making misprision of a felony "a federal crime since the First Congress." *Itani* v. *Ashcroft*, 298 F.3d 1213, 1216 (11th Cir. 2002) (per curiam); see *Roberts* v. *United States*, 445 U.S. 552, 557-558 (1980) (misprision violates "deeply rooted social obligation[s]").

Petitioner suggests (Pet. 23-24) that misprision of a felony cannot constitute a crime involving moral turpitude because "fraud," rather than "deceit," is "[t]his Court's [t]ouchstone [f]or [c]ategorizing" crimes involving moral turpitude. Pet. 23 (emphasis omitted). But *De George*, *supra*, on which petitioner relies, merely held, in addressing a fraud offense, that "[w]hatever

else the phrase 'crime involving moral turpitude' may mean in peripheral cases, the decided cases make it plain that crimes in which fraud was an ingredient have always been regarded as involving moral turpitude." 341 U.S. at 232. *De George* does not hold that fraud is required for an offense to involve moral turpitude. In any event, misprision involves fraud, because "an affirmative act calculated to deceive the government [is] inherently fraudulent." *Flores*, 17 I. & N. Dec. at 229; see *ibid.* ("It is enough to impair or obstruct an important function of a department of the government by defeating its efficiency or destroying the value of its lawful operations by deceit, graft, trickery, or dishonest means.") (citing *In re D—*, 9 I. & N. Dec. 605 (B.I.A. 1962); *In re E—*, 9 I. & N. Dec. 421 (B.I.A. 1961), and *In re S—*, 2 I. & N. Dec. 225 (B.I.A. 1944)).

Nor is petitioner correct in asserting (Pet. 27) that only "conduct like rape, incest, and murder * * * rises to the level of baseness, vileness, and depravity required to establish moral turpitude." As set out above, this Court has described fraud as an archetypal crime involving moral turpitude, and the Board and courts have likewise concluded that a variety of offenses involving concealment and other deceit fall within the category, even though none of those offenses are analogous to rape, incest, and murder. Petitioner offers no support for his assertion that the category only reaches offenses like rape, incest, and murder.

Petitioner further argues (Pet. 27) that the Board erred in classifying misprision as a crime involving moral turpitude because Congress could not have intended that all offenses "contrary to some duty owed to society" would be crimes involving moral turpitude. But

neither the court below nor the Board rested its decision on such a theory. Rather, the Board has stated that crime must be "'inherently base, vile, or depraved,'" in addition to being "'contrary to the accepted rules of morality and the duties owed between persons or to society in general,'" and that such an offense must also involve "both a culpable mental state and reprehensible conduct." *Mendez*, 27 I. & N. Dec. at 221 (citation omitted). The Board determined that misprision of a felony falls within that category because an affirmative act to conceal a felony is "reprehensible conduct" and because an individual must have full knowledge of a felony and take affirmative steps to willfully and intentionally conceal it, providing the "requisite scienter." *Id.* at 222-224.

Petitioner is mistaken in describing (Pet. 29) it as absurd that a defendant who commits misprision commits a crime involving moral turpitude even when the offense that he conceals is not itself turpitudinous. That simply reflects that a person who commits misprision has performed an affirmative deceitful act that is turpitudinous, while the person who committed the underlying felony may not have done so (depending on the crime at issue). See *Mendez*, 27 I. & N. Dec. at 223. In that respect, misprision is not comparable to being an accessory after the fact, which the Board has held is not categorically a crime involving moral turpitude. As the Board explained, "accessory after the fact does not necessarily involve an act of concealment of an underlying felony." *Ibid.* Moreover, Congress has reinforced the separation between misprision and the underlying offense by establishing penalties for misprision that are not tied to penalties for the underlying felony. In contrast, Congress tied accessory-after-the-fact penalties to the potential punishment for the principal offense.

Ibid. Petitioner offers no response to the Board's reasoning in rejecting his absurdity argument.

Finally, petitioner is incorrect in suggesting (Pet. 29-30)—in an argument not pressed below—that the term "crime involving moral turpitude" might be unconstitutionally vague if applied to misprision of felony under 18 U.S.C. 4. See Pet. C.A. Br. 1-47; Pet. C.A. Reply Br. 1-27. As this Court noted in *De George*, the term "crime involving moral turpitude" "has been part of the immigration laws for more than sixty years" and had been construed and applied in multiple decisions of this Court. 341 U.S. at 229. Just as the Court concluded in *De George* that the long history of applying that term to fraud offenses established that the alien had sufficient notice that his fraud offense was covered, *id.* at 231-232, the long history of applying the term to offenses involving concealment of wrongdoing provides notice to petitioner. See pp. 15-16, *infra*.

2. The question presented does not currently warrant this Court's intervention. There is a shallow disagreement on whether misprision of a felony is a crime involving moral turpitude, but it predates the Board's recent guidance. Specifically, the court below and the Eleventh Circuit each concluded before the Board's decision in *Mendez* that misprision is categorically a crime involving moral turpitude. Pet. App. 13a-20a; *Itani*, *supra*. The Ninth Circuit reached a contrary holding in a decision before *Mendez*, in which it concluded that the Board's earlier decision in *Robles-Urrea* did not warrant deference because it failed to adequately explain the Board's reasoning or to justify classifying misprision as a crime involving moral turpitude even when the felony that was concealed does not fit within that category. Finally, after the Ninth Circuit's decision, the

Second Circuit declined to decide the question presented because it concluded that it would be "desirable for the Board to clarify" the classification of misprision in the first instance, *Lugo* v. *Holder*, 783 F.3d 119, 120-121 (2015), as the Board has now done in *Mendez*.

This Court's intervention is not warranted under these circumstances. No court has yet had the opportunity to consider the Board's reasoning in *Mendez*—concerning which a petition for direct review is now pending in the Second Circuit. There is no reason for this Court to be the first court to address the reasoning of the Board's decision.

This Court's review is particularly unnecessary because it is not clear that a circuit conflict will persist following *Mendez*. The Ninth Circuit's holding in *Robles-Urrea* rested on its determination that the Board in *Robles-Urrea* failed to adequately explain its classification of misprision, or to address arguments regarding differential treatment of misprision and the underlying offense. But *Mendez* elaborated on the Board's reasons for its classification, and it expressly addressed the differential-treatment arguments, among others. The Ninth Circuit could well conclude that *Mendez* has supplied the reasoning that it had concluded *Robles-Urrea* lacked, and that the Board's classification accordingly warrants deference under *Chevron*.

Petitioner is mistaken in asserting (Pet. 15-16) that the Ninth Circuit will never have the opportunity to make that determination because the Board in *Mendez* decided only that it would "decline to follow *Robles-Urrea v. Holder* in cases arising outside the jurisdiction of the Ninth Circuit." 27 I. & N. Dec. at 225. Because *Mendez* arose in the Second Circuit, *Mendez* did not afford the Board an occasion to decide whether the rule it

set out should apply in the Ninth Circuit notwithstanding *Robles-Urrea*, and the Board has not yet addressed that issue. When the Board confronts a misprision case arising in the Ninth Circuit, the Board may determine that it should apply *Mendez*, in order to afford the court of appeals the opportunity to consider whether to defer to that decision. See *National Cable & Telecomms. Ass'n* v. *Brand X Internet Servs.*, 545 U.S. 967, 982 (2005) ("A court's prior judicial construction of a statute trumps an agency construction otherwise entitled to *Chevron* deference only if the prior court decision h[eld] that its construction follow[ed] from the unambiguous terms of the statute and thus leaves no room for agency discretion.").

3. Petitioner alternatively suggests (Pet. 16-22) that this Court should grant a writ of certiorari on the misprision question in order to give guidance concerning whether all offenses involving deceit or dishonesty qualify as crimes involving moral turpitude, or whether, instead, only a subset of such offenses presenting "aggravating factor[s]" qualify, Pet. 20. This case would not be a suitable vehicle for addressing that question. Misprision of a felony is an aggravated form of deceit that requires an individual with full knowledge of a felony to take intentional, affirmative steps to conceal that crime—conduct that has been regarded as reprehensible since the very first Congress. If this Court granted a petition for a writ of certiorari on the question presented, it could resolve the case simply by holding that misprision of a felony is turpitudinous, without opining on whether other deceit offenses qualify. Since this Court could resolve the misprision issue without addressing the treatment of all deceit crimes, and since the misprision issue does not independently warrant

this Court's review, the petition for a writ of certiorari should be denied.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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