

21-1576 SMITH V. UNITED STATES

DECISION BELOW: 22 F.4th 1236

LOWER COURT CASE NUMBER: 20-12667

QUESTION PRESENTED:

Whether the proper remedy for the government's failure to prove venue is an acquittal barring re-prosecution of the offense, as the Fifth and Eighth Circuits have held, or whether instead the government may re-try the defendant for the same offense in a different venue, as the Sixth, Ninth, Tenth, and Eleventh Circuits have held.

CERT. GRANTED 12/13/2022