

GORSUCH, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

SHELDON SILVER *v.* UNITED STATES, ET AL.

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

No. 20–60. Decided January 25, 2021

The petition for a writ of certiorari is denied.

JUSTICE GORSUCH, with whom JUSTICE THOMAS joins,  
dissenting from denial of certiorari.

Normally, extortion and bribery are treated as distinct crimes. In *Evans v. United States*, 504 U. S. 255 (1992), however, this Court conflated them for purposes of the Hobbs Act when a public official is the defendant. *Id.*, at 260. Chief Justice Rehnquist and Justices Scalia, THOMAS, and BREYER have all questioned that judgment. See *id.*, at 278 (THOMAS, J., joined by Rehnquist, C. J., and Scalia, J., dissenting); *Ocasio v. United States*, 578 U. S. \_\_\_\_, \_\_ (2016) (BREYER, J., concurring) (slip op., at 1); *id.*, at \_\_–\_\_ (THOMAS, J., dissenting) (slip op., at 1–2). I would have granted this case to reconsider *Evans* in light of these thoughtful criticisms.