

09-7073 GOULD V. UNITED STATES

DECISION BELOW: 329 Fed. Appx. 569

LOWER COURT CASE NUMBER: 08-10857

QUESTION PRESENTED:

Did the U.S. Court of Appeals for the Fifth Circuit correctly hold, in direct conflict with the Second Circuit (but in accordance with several other circuits), that a mandatory minimum sentence provided by 18 U.S.C. § 924(c)(1)(A) applies to a count when another count already carries a greater mandatory minimum sentence?

CONSOLIDATED WITH 09-479 FOR ONE HOUR ORAL ARGUMENT.

JUSTICE KAGAN TOOK NO PART
CERT. GRANTED 1/25/2010