

09-1533 DePIERRE V. UNITED STATES

DECISION BELOW: 599 F.3d 25

LOWER COURT CASE NUMBER: 08-2101

QUESTION PRESENTED:

Section 841(b)(1)(A) of Title 21 requires the imposition of a ten-year mandatory minimum sentence upon persons who engage in a drug-related offense involving either (a) five kilograms or more of "coca leaves" or "cocaine," or (b) fifty grams (.05 kilograms) or more of those substances, or of a mixture of those substances, "which contain[] cocaine base."

The question presented is whether the term "cocaine base" encompasses every form of cocaine that is classified chemically as a base - which would mean that the ten-year mandatory minimum applies to an offense involving 50 grams or more of raw coca leaves or of the paste derived from coca leaves, but that 5000 grams of cocaine powder would be required to trigger the same ten-year minimum - or whether the term "cocaine base" is limited to "crack" cocaine.

CERT. GRANTED 10/12/2010