

06-1646 UNITED STATES V. RODRIQUEZ

DECISION BELOW: 464 F3d 1072

LOWER COURT CASE NUMBER: 04-30397, 04-30494

QUESTION PRESENTED:

The Armed Career Criminal Act of 1984, 18 U.S.C. 924(e) (2000 & Supp. IV 2004), provides for an enhanced sentence for felons convicted of possession of a firearm, if the defendant has three prior convictions for, inter alia, a state-law controlled substance offense "for which a maximum term of imprisonment of ten years or more is prescribed by law." 18 U.S.C. 924(e)(2)(A)(i). The question presented is:

Whether a state drug-trafficking offense, for which state law authorized a ten-year sentence because the defendant was a recidivist, qualifies as a predicate offense under the Armed Career Criminal Act, 18 U.S.C. 924(e) (2000 & Supp. IV 2004).

EXPEDITED BRIEFING SCHEDULE

CERT. GRANTED 9/25/2007