

07-901 OREGON V. ICE

DECISION BELOW: 170 P3d 1049

LOWER COURT CASE NUMBER: S52248

QUESTION PRESENTED:

Whether the Sixth Amendment, as construed in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and *Blakely v. Washington*, 542 U.S. 296 (2004), is violated by the imposition of consecutive sentences based on the sentencing judge's determination of a fact (other than a prior conviction) that was not found by the jury or admitted by the defendant.

GRANTED LIMITED TO THE FOLLOWING QUESTION: Whether the Sixth Amendment, as construed in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and *Blakely v. Washington*, 542 U.S. 296 (2004), requires that facts (other than prior convictions) necessary to imposing consecutive sentences be found by the jury or admitted by the defendant.

CERT. GRANTED 3/17/2008