

09-479 ABBOTT V. UNITED STATES

DECISION BELOW: 574 F.3d 203

LOWER COURT CASE NUMBER: 08-1623

QUESTION PRESENTED:

Title 18 U.S.C. § 924(c)(1)(a) provides, in part, that a person convicted of a drug-trafficking crime or crime of violence shall receive an additional sentence of not less than five years whenever he "uses or carries a firearm, or * * * in furtherance of any such crime, possesses a firearm" unless "a greater minimum sentence is * * * provided * * * by any other provision of law." The questions presented are:

1. Does the term "any other provision of law" include the underlying drug trafficking offense or crime of violence?
2. If not, does it include another offense for possessing the same firearm in the same transaction?

CONSOLIDATED WITH 09-7073 FOR ONE HOUR ORAL ARGUMENT.

JUSTICE KAGAN TOOK NO PART

CERT. GRANTED 1/25/2010