

## SCOTUS Opinion: Court Rejects Comparison of State Offenses to Generic Offenses for Armed Career Criminal Act Enhancement

27 Feb 2020

The Armed Career Criminal Act mandates a 15-year sentence for defendants that have prior convictions for a “serious drug offense” that “involve[es] manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance.” Eddie Lee Shular had six prior Florida convictions for selling and possessing cocaine with intent to sell. The federal trial court deemed those to be “serious drug offenses” under ACCA, and gave him a 15-year sentence when he pled guilty to possession of a firearm in connection with a felony (which was for trying to sell cocaine, of course). Shular appealed, arguing that the categorical approach required that the trial court compare the prior offenses to generic offenses described under ACCA. Under that approach, the ACCA language appeared to include a mens rea element that the Florida offenses did not have. The Eleventh Circuit rejected Shular’s argument, holding that the ACCA only requires comparison to the conduct outlined in the ACCA, not a generic offense. To resolve a circuit split on the issue, the Court, in a unanimous decision by Justice Ginsburg, affirmed, holding that a trial court need only compare the state offense’s conduct to the conduct specified in the ACCA—the state offense need not match any kind of generic offense. The Court also declined to apply the rule of lenity because the ACCA was not ambiguous. Justice Kavanaugh, in a concurrence, elaborated on why he thought the rule of lenity did not apply.

A link to the decision in *Shular v. United States* is [here](#).

## SCOTUS Opinion: Court Rejects Comparison of State Offenses to Generic Offenses for Armed Career Criminal Act Enhancement

27 Feb 2020

The Armed Career Criminal Act mandates a 15-year sentence for defendants that have prior convictions for a “serious drug offense” that “involve[es] manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance.” Eddie Lee Shular had six prior Florida convictions for selling and possessing cocaine with intent to sell. The federal trial court deemed those to be “serious drug offenses” under ACCA, and gave him a 15-year sentence when he pled guilty to possession of a firearm in connection with a felony (which was for trying to sell cocaine, of course). Shular appealed, arguing that the categorical approach required that the trial court compare the prior offenses to generic offenses described under ACCA. Under that approach, the ACCA language appeared to include a mens rea element that the Florida offenses did not have. The Eleventh Circuit rejected Shular’s argument, holding that

(CONTINUED)

**SCOTUS OPINION: COURT REJECTS COMPARISON OF STATE OFFENSES TO GENERIC OFFENSES FOR ARMED CAREER**

**CRIMINAL ACT ENHANCEMENT**

the ACCA only requires comparison to the conduct outlined in the ACCA, not a generic offense. To resolve a circuit split on the issue, the Court, in a unanimous decision by Justice Ginsburg, affirmed, holding that a trial court need only compare the state offense's conduct to the conduct specified in the ACCA—the state offense need not match any kind of generic offense. The Court also declined to apply the rule of lenity because the ACCA was not ambiguous. Justice Kavanaugh, in a concurrence, elaborated on why he thought the rule of lenity did not apply.

A link to the decision in *Shular v. United States* is [here](#).

**TAGGED:** [scotus](#), [SCOTUS opinions](#), [Armed Career Criminal Act](#), [Generic Offenses](#), [ACCA](#), [rule of lenity](#), [Shular v. United States](#)