Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

MCNEILL *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 10–5258. Argued April 25, 2011—Decided June 6, 2011

Under the Armed Career Criminal Act (ACCA), a felon unlawfully in possession of a firearm, 18 U. S. C. §922(g)(1), is subject to a 15-year minimum prison sentence if he has three prior convictions for a "violent felony" or "serious drug offense." As relevant here, a "serious drug offense" is defined as "an offense under State law . . . , for which a maximum term of imprisonment of ten years or more is prescribed by law," §924(e)(2)(A)(ii). In sentencing petitioner McNeill for violating §922(g), the District Court determined that he qualified for ACCA's sentencing enhancement based in part on six prior North Carolina drug trafficking convictions. When McNeill committed those crimes, each carried a 10-year maximum sentence, which McNeill in fact received. However, because the State later reduced the maximum sentence for those offenses to fewer than 10 years, McNeill argued that none of his six prior convictions were for "serious drug offenses" within the meaning of §924(e)(2)(A)(ii). The District Court rejected McNeill's request that it look to current state law and instead relied on the 10-year maximum sentence that applied at the time he committed his state offenses. The Fourth Circuit affirmed.

Held:

1. A federal sentencing court must determine whether "an offense under State law" is a "serious drug offense" by consulting the "maximum term of imprisonment" applicable to a defendant's prior state drug offense at the time of the defendant's conviction for that offense. §924(e)(2)(A)(ii). Pp. 3–7.

(a) ACCA's plain text requires this result by mandating that the court determine whether a "previous conviction" was for a serious drug offense. The only way to answer this backward-looking question is to consult the law that applied at the time of that conviction.

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ACCA's use of the present tense in defining a "serious drug offense" as, *inter alia,* "an offense . . . for which a maximum [10-year] term . . . is prescribed by law" does not suggest otherwise. McNeill's argument that this language looks to the state law in effect at the time of the federal sentencing ignores ACCA's focus on convictions that have already occurred. Pp. 3–4.

(b) The statute's broader context, specifically the adjacent definition of "violent felony," confirms this interpretation. Although Congress used the present tense in defining "violent felony," see §924(e)(2)(B), this Court has repeatedly turned to the version of state law that the defendant was actually convicted of violating in determining whether he was convicted of such a felony, see, *e.g., Taylor* v. *United States*, 495 U. S. 575, 602. The Court sees no reason to interpret "serious drug offenses" any differently. Cf. *Nijhawan* v. *Holder*, 557 U. S. ___, ___. Pp. 5–6.

(c) This natural reading of ACCA also avoids the absurd results that would follow from consulting current state law to define a previous offense. Pp. 6–7.

2. The District Court properly applied ACCA's sentencing enhancement to McNeill because all six of his prior drug convictions were for "serious drug offenses." Pp. 7–8.

598 F. 3d 161, affirmed.

THOMAS, J., delivered the opinion for a unanimous Court.