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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

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BURGESS *v.* UNITED STATES

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

No. 06–11429. Argued March 24, 2008—Decided April 16, 2008

The Controlled Substances Act (CSA) doubles the mandatory minimum sentence for certain federal drug crimes if the defendant was previously convicted of a "felony drug offense." 21 U. S. C. §841(b)(1)(A). Section 802(13) defines the unadorned term "felony" to mean any "offense classified by applicable Federal or State law as a felony," while §802(44) defines the compound term "felony drug offense" to "mea[n] an offense [involving specified drugs] that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country."

Petitioner Burgess pleaded guilty in federal court to conspiracy to possess with intent to distribute 50 grams or more of cocaine base, an offense that ordinarily carries a 10-year mandatory minimum sentence. Burgess had a prior South Carolina cocaine possession conviction, which carried a maximum sentence of two years but was classified as a misdemeanor under state law. The Federal Government argued that Burgess' minimum federal sentence should be enhanced to 20 years under §841(b)(1)(A) because his South Carolina conviction was punishable by more than one year's imprisonment. Burgess countered that because "felony drug offense" incorporates the term "felony," a word separately defined in §802(13), a prior drug offense does not warrant an enhanced §841(b)(1)(A) sentence unless it is both (1) classified as a felony under the law of the punishing jurisdiction, per §802(13); and (2) punishable by more than one year's imprisonment, per §802(44). Rejecting that argument, the District Court ruled that §802(44) alone controls the meaning of "felony drug offense" under §841(b)(1)(A). The Fourth Circuit affirmed.

Held: Because the term "felony drug offense" in §841(b)(1)(A) is defined exclusively by §802(44) and does not incorporate §802(13)'s definition

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of "felony," a state drug offense punishable by more than one year qualifies as a "felony drug offense," even if state law classifies the offense as a misdemeanor. Pp. 4–11.

(a) The CSA's language and structure indicate that Congress used "felony drug offense" as a term of art defined by §802(44) without reference to §802(13). First, a definition such as §802(44)'s that declares what a term "means" generally excludes any meaning that is not stated. *E.g., Colautti* v. *Franklin*, 439 U. S. 379, 392–393, n. 10. Second, because "felony" is commonly defined to mean a crime punishable by imprisonment for more than one year, see, *e.g.,* 18 U. S. C. §3559(a), §802(44)'s definition of "felony drug offense" as "an offense . . . punishable by imprisonment for more than one year" leaves no blank for §802(13) to fill. Third, if Congress wanted "felony drug offense" to incorporate §802(13)'s definition of "felony," it easily could have written §802(44) to state: "The term 'felony drug offense' means a *felony* that is punishable by imprisonment for more than one year . . . ." Fourth, the Court's reading avoids anomalies that would arise if both §§802(13) and 802(44) governed application of §841(b)(1)(A)'s sentencing enhancement. Section 802(13) includes only federal and state offenses and would exclude enhancement based on a foreign offense, notwithstanding the express inclusion of foreign offenses in §841(b)(1)(A). Furthermore, Burgess' compound definition of "felony drug offense" leaves unanswered the appropriate classification of drug convictions in state and foreign jurisdictions that do not label offenses as felonies or misdemeanors. Finally, the Court's reading of §802(44) hardly renders §802(13) extraneous; the latter section serves to define "felony" for the many CSA provisions using that unadorned term. Pp. 4–8.

(b) The CSA's drafting history reinforces the Court's reading. In 1988, Congress first defined "felony drug offense" as, *inter alia,* "an offense that is a *felony* under . . . any law of a State" (emphasis added), but, in 1994, it amended the statutory definition to its present form. By recognizing §802(44) as the exclusive definition of "felony drug offense," the Court's reading serves an evident purpose of the 1994 revision: to eliminate disparities resulting from divergent state classifications of offenses by adopting a uniform federal standard based on the authorized term of imprisonment. By contrast, Burgess' reading of the 1994 alteration as merely adding a length-of-imprisonment requirement to a definition already requiring designation of an offense as a felony by the punishing jurisdiction would attribute to the amendment little practical effect and encounters formidable impediments: the statute's text and history. Pp. 8–10.

(c) Burgess' argument that the rule of lenity should be applied in determining whether "felony drug offense" incorporates §802(13)'s

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definition of "felony" is rejected. The touchstone of the rule of lenity is statutory ambiguity. *E.g., Bifulco* v. *United States*, 447 U. S. 381, 387. Because Congress expressly defined "felony drug offense" in a manner that is coherent, complete, and by all signs exclusive, there is no ambiguity for the rule of lenity to resolve here. Pp. 10–11.

478 F. 3d 658, affirmed.

GINSBURG, J., delivered an opinion for a unanimous Court.