

Logan, James v. U.S.

Appealed From: 7th U.S. Circuit Court of Appeals (July 6,2006)

Subjects: Sentencing, firearms enhancement

On Feb. 20, 2007, the U.S. Supreme Court accepted review of the case.

BY MATTHEW BIGELOW, MEDILL NEWS SERVICE

When police found a gun in James Logan's glove compartment in 2005 even prosecutors didn't anticipate he'd received 15 years for the crime. Indeed, a press release from the U.S. Attorney's office announcing Logan's guilty plea said he faced a maximum sentence of 10 years. As a convicted felon, however, Logan was sentenced under the Armed Career Criminal Act, a federal statute that mandates a minimum 15-year sentence for anyone who has three prior drug or violent felony convictions.

According to prosecutors Logan had three such convictions, but Logan argued that one of those, a conviction for battery, should not count as one of the three qualifying offenses.

The act exempts a prior conviction if that conviction has been "expunged, or set aside or for which a person has been pardoned or has had civil rights restored." If Logan had been stripped of any of his civil rights, such as the right to vote, and then had them restored, the act would preclude him. But Logan never had his civil rights taken away in the first place.

At issue before the United States Supreme Court in James D. Logan vs. United States of America, is whether or not having your civil rights restored should be treated the same as never having lost them in the first place, for purposes of sentencing under the Armed Career Criminal Act.

"It does seem rather curious that this individual would be treated more harshly than someone who actually went to prison and had been stripped of some of their civil rights," said Ian Friedman, a criminal defense lawyer.

In both lower courts, the U.S. District Court of Western Wisconsin and the 7th U.S. Circuit Court of Appeals, judges ruled on the letter of the law. Nowhere in the Armed Career Criminal Act did Congress differentiate between someone who had their rights stripped and restored and someone who never lost their rights at all.

Logan argued his civil rights should be considered "restored" within the meaning of the statute. But since the act is silent on sentencing in situations such as Logan's, the courts interpreted the act literally.

The various circuit courts have been split on the issue, and previous cases have ruled in favor of Logan's position.

Sentencing enhancements can be appropriate in many circumstances, according to Marc Mauer, executive director of the Sentencing Project. But in many cases, the enhancements go too far, he said. "It can turn into time in prison for what might otherwise be a relatively modest conviction," Mauer said.

The case holds dual implications for the Supreme Court, according to Friedman. Beyond the immediate fate of men such as Logan, the Court will be examining its own ability to assume legislative intent. "They're not determining whether or not this case is unconstitutional. They are speculating as to Congress's intention when drafting the law," Friedman said.