

# Wiley Files Supreme Court *Amicus* Brief Regarding Federal Sentencing Guidelines

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Washington, DC – Wiley, working with the Supreme Court Program at the University of North Carolina (UNC) School of Law, has filed an *amicus* brief on behalf of the National Association for Public Defense (NAPD) in the U.S. Supreme Court. The brief, supporting the petition for writ of certiorari in *Wiggins v. United States*, urges the Court to resolve a circuit split concerning the scope of the term “controlled substance offense” under the U.S. Sentencing Guidelines. NAPD is an association of more than 28,000 professionals who deliver the right to counsel throughout all U.S. states and territories.

The case stems from a 2020 federal court conviction in which the Petitioner received an enhanced sentence under the Sentencing Guidelines based on a prior “controlled substance offense.” The issue presented is whether a conviction for violation of a state criminal statute extending to substances that are not “controlled substances” under federal law qualifies as a “controlled substance offense” for purposes of the Sentencing Guidelines. The federal courts of appeals are split on that issue.

The NAPD *amicus* brief argues that the term “controlled substance offense” should be limited to convictions for violation of statutes that apply only to substances qualifying as controlled substances under federal law. The brief explains that this reading serves the goal of the Sentencing Guidelines by ensuring uniformity in federal sentencing for similarly situated defendants. It further argues that this interpretation is supported by the presumption that the meaning of a federal law is not dependent on state law and by the rule of lenity, which favors defendants in cases of ambiguity. The brief also notes that proposed Sentencing Commission amendments would not resolve the circuit split but instead would entrench the contested language.

## Related Professionals

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## Practice Areas

Issues and Appeals

Read the full brief, [here](#).

Wiley's pro bono representation of NAPD in the *amicus* brief was led by Richard A. Simpson, partner in the firm's Issues and Appeals, Litigation, and Insurance practices, and associate Elizabeth Fisher, along with co-counsel Andrew Hessick, Judge John J. Parker, UNC's Distinguished Professor of Law and Associate Dean for Strategy & Planning at UNC School of Law. They were assisted by UNC law students Ashlyn Barnes, Connor Fraley, and Hunter Wright.