

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 Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES *v.* GRANDERSON

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

No. 92-1662. Argued January 10, 1994—Decided March 22, 1994

Respondent Granderson, a letter carrier, pleaded guilty to one count of destruction of mail. The potential imprisonment range for that crime was 0-6 months under the United States Sentencing Guidelines. The District Court imposed no prison time, sentencing Granderson instead to 5 years' probation and a fine. After Granderson tested positive for cocaine, the court resentenced him under 18 U. S. C. §3565(a), which provides that if a person serving a sentence of probation possesses illegal drugs, "the court shall revoke the sentence of probation and sentence the defendant to not less than one-third of the original sentence." Accepting the Government's reading of the statute, the District Court concluded that the phrase "original sentence" referred to the term of probation actually imposed (60 months), rather than the 0-6 month imprisonment range authorized by the Guidelines. Accordingly, that court resentenced Granderson to 20 months' imprisonment. The Court of Appeals upheld the revocation of Granderson's probation, but vacated his new sentence. Invoking the rule of lenity, the court agreed with Granderson that "original sentence" referred to the potential imprisonment range under the Guidelines, not to the actual probation sentence. Because Granderson had already served 11 months of his revocation sentence—more than the 6-months maximum under the Guidelines—the court ordered him released from custody.

Held: The minimum revocation sentence under §3565(a)'s drug-possession proviso is one-third the maximum of the originally applicable Guidelines range of imprisonment, and the maximum revocation sentence is the Guidelines maximum. Pp. 4-18.

(a) The Government is correct that the proviso mandates imprisonment, not renewed probation, as the required type of punishment. The contrast in §3565(a)(1) and (2) between

``continu[ing]" and ``revok[ing]" probation as the alternative punishments for a defendant who violates a probation condition suggests that a revocation sentence must be a sentence of imprisonment, not a continuation of probation. Moreover, it would be absurd to punish drug-possessing probationers by revoking their probation and imposing a new term of probation no longer than the original. However, the Government contends incorrectly that the term ``original sentence" unambiguously calls for a sentence based on the term of probation. The statutory language appears to differentiate, not to equate or amalgamate, ``the sentence of probation" and ``the original sentence." The Government's interpretation, furthermore, reads the proviso's word ``sentence" inconsistently. Pp. 4-7.

(b) Under Granderson's reading of the proviso, the ``original sentence" that sets the duration of the revocation sentence is the applicable Guidelines sentence of imprisonment, not the revoked term of probation. That reading avoids both the linguistic anomalies presented by the Government's construction and the sentencing disparities that would attend the Government's interpretation. Furthermore, contrary to the Government's arguments, Granderson's reading satisfies the statute's purpose by treating the class of drug possessors more severely than other probation violators, and the proviso need not be interpreted *in pari materia* with the discrete, differently worded provision prescribing revocation of the supervised release of drug possessors. Moreover, the proviso's history furnishes additional cause to resist the Government's interpretation, for it indicates that the proviso may not have received Congress' careful attention and may have been composed with an obsolete federal sentencing regime in the drafter's mind. In these circumstances, where the text, structure, and statutory history fail to establish that the Government's position is unambiguously correct, the rule of lenity operates to resolve the statutory ambiguity in Granderson's favor. Pp. 7-15.

(c) The benchmark for the revocation sentence under the proviso is the maximum Guidelines sentence of imprisonment. Pp. 15-17.

(d) Because Granderson's maximum revocation sentence under the proviso was 6 months, and because he had already served 11 months imprisonment at the time the Court of Appeals issued its decision, that court correctly ordered his release. P. 18.

969 F. 2d 980, affirmed.

GINSBURG, J., delivered the opinion of the Court, in which BLACKMUN, STEVENS, O'CONNOR, and SOUTER, JJ., joined. SCALIA, J., and KENNEDY, J., filed opinions concurring in the judgment. REHNQUIST, C. J., filed a dissenting opinion, in which THOMAS, J., joined.