

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States v. Darrick Lynn Ferguson

No. 24-2178 (8th Cir. Jan. 6, 2026) · No. 24-2178 · Decided January 6, 2026

SUMMARY

The Eighth Circuit held that Ferguson’s prior Arkansas conviction for delivery of cocaine criminalized a broader range of cocaine isomers than the federal Controlled Substances Act. Because the state offense therefore did not qualify as a serious drug offense under the Armed Career Criminal Act, the court vacated Ferguson’s sentence and remanded for resentencing.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Gruender, Circuit Judge; Smith, Circuit Judge; Shepherd, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	January 6, 2026
DOCKET	24-2178
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Ferguson pleaded guilty to being a felon in possession of a firearm and appealed his 180-month sentence after the district court applied the Armed Career Criminal Act enhancement.
STANDARD OF REVIEW	De novo review of whether a prior offense qualifies as a predicate offense under the ACCA.
PRECEDENTIAL VALUE	Published and precedential Eighth Circuit opinion
PARTIES	Darrick Lynn Ferguson, also known as Derrick Lynn Ferguson v. United States of America

TOPICS

- sentencing
- sentencing guidelines
- statutory interpretation
- criminal procedure
- appellate procedure

PRACTICE AREAS

- Criminal law
- Federal sentencing
- Armed Career Criminal Act
- Statutory interpretation
- Appellate procedure

QUESTIONS PRESENTED

1. Whether Ferguson's Arkansas conviction under Ark. Code Ann. § 5-64-401(a)(1)(A)(i) qualifies as a serious drug offense and predicate conviction under the ACCA.
2. Whether the Arkansas statute criminalizes a broader range of cocaine isomers than the Controlled Substances Act.
3. Whether the Arkansas statute is divisible with respect to cocaine and its isomers such that the modified categorical approach could be applied.
4. Whether *United States v. Meux* required the court to treat the Arkansas conviction as an ACCA predicate.

HOLDINGS

1. The Arkansas conviction does not qualify as an ACCA predicate because the statute criminalizes a wider range of cocaine isomers than the substances listed in § 102 of the Controlled Substances Act.
2. The Arkansas statute is not divisible by cocaine isomer, so the modified categorical approach cannot be used to examine the particular form of cocaine involved in Ferguson's conviction.
3. *United States v. Meux* does not require treating Ferguson's conviction as an ACCA predicate because *Meux* did not address the scope of the Arkansas statute's definition of cocaine.

KEY QUOTATIONS

“A state law that criminalizes the “isomers” of a controlled substance and does not contain any limiting language criminalizes all isomers of that substance.” (-4-)

“Because section 5-64-401(a)(1)(A)(i) criminalizes a wider range of cocaine isomers than § 102 of the CSA, Ferguson’s conviction under section 5-64-401(a)(1)(A)(i) was not for a “serious drug offense” and did not qualify as a predicate offense for the ACCA enhancement.” (-7-)

FACTUAL BACKGROUND

Ferguson pleaded guilty to possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). He had three prior felony convictions, including a 2007 Arkansas conviction under Ark. Code Ann. § 5-64-401(a)(1)(A)(i) for delivery of cocaine. The district court treated all three convictions as ACCA predicates and sentenced Ferguson to the ACCA mandatory minimum of 180 months.

PROCEDURAL HISTORY

The United States District Court for the Eastern District of Arkansas determined that Ferguson had three qualifying prior felony convictions, including an Arkansas conviction for delivery of cocaine, and applied the ACCA enhancement under 18 U.S.C. § 924(e). The court imposed the 180-month mandatory minimum sentence. The Eighth Circuit held that the Arkansas conviction was not a qualifying serious drug offense, vacated the sentence, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate Ferguson's sentence and remand to the district court for resentencing without treating the Arkansas conviction under Ark. Code Ann. § 5-64-401(a)(1)(A)(i) as an ACCA predicate.

CASES CITED

- United States v. Myers, 56 F.4th 595 (8th Cir. 2022)
- Shepard v. United States, 544 U.S. 13, 17 (2005)
- United States v. Oliver, 987 F.3d 794, 806 (8th Cir. 2021)
- United States v. Owen, 51 F.4th 292, 296 (8th Cir. 2022)
- United States v. Buckley, 146 F.4th 679 (8th Cir. 2025)
- United States v. Heard, 62 F.4th 1109, 1114 (8th Cir. 2023)
- Mathis v. United States, 579 U.S. 500, 504-06, 517-19 (2016)
- United States v. Bennet, 972 F.3d 966, 974 (8th Cir. 2020)
- United States v. Quigley, 943 F.3d 390, 393 (8th Cir. 2019)
- United States v. Naylor, 887 F.3d 397, 406 (8th Cir. 2018) (en banc)
- Prichard v. State, No. CR 89-8, 1990 WL 68646, at *1 (Ark. May 21, 1990) (per curiam)
- United States v. Meux, 918 F.3d 589 (8th Cir. 2019) (per curiam)
- Streu v. Dormire, 557 F.3d 960, 964 (8th Cir. 2009)