

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

United States v. Bedell

United States v. Bedell, 894 F.2d 1406 (3d Cir. 1990) · No. 89-3461 · Decided January 25, 1990

SUMMARY

The Third Circuit held that for offenses under 21 U.S.C. § 841(b)(1)(B) committed after October 27, 1986, the Anti-Drug Abuse Act of 1986 replaced special parole with supervised release, even though the Sentencing Reform Act's effective date was November 1, 1987. The court affirmed a sentence of supervised release, rejecting the argument that only special parole was available. This decision aligns with the reasoning in the companion case **United States v. Gozlon-Peretz** and with rulings from the Fourth, Fifth, and Eleventh Circuits.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Becker; Greenberg; Van Dusen
JURISDICTION	Federal
DECIDED	January 25, 1990
DOCKET	89-3461
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of conviction and sentence imposed by the United States District Court for the Western District of Pennsylvania.
STANDARD OF REVIEW	The court applied a de novo standard of review to the statutory interpretation question.
PRECEDENTIAL VALUE	Published
PARTIES	David Bedell v. United States

TOPICS

- criminal procedure
- appellate procedure

PRACTICE AREAS

- Criminal Law
- Sentencing

QUESTIONS PRESENTED

1. Whether the district court had authority to impose a term of supervised release for a sentence imposed under 21 U.S.C. § 841(b)(1)(B) for an offense committed after October 27, 1986, but before November 1, 1987.

HOLDINGS

1. Supervised release was the proper sentence because the correct reading of the Anti-Drug Abuse Act of 1986 is that supervised release replaced special parole in all sections of 21 U.S.C. § 841(b)(1) as of the date of the ADAA's enactment, October 27, 1986.

KEY QUOTATIONS

“This appeal presents the same question as that posed in the companion case, United States v. Gozlon-Peretz, 894 F.2d 1402 i.e. whether the district court had authority to impose a term of supervised release for a sentence imposed pursuant to 21 U.S.C. Sec. 841(b)(1) for an offense committed after October 27, 1986, the date of enactment of the Anti-Drug Abuse Act of 1986 (ADAA), but before November 1, 1987, the effective date of ADAA section 1004.” (1406)

“Therefore, we hold that supervised release was the proper sentence.” (1407)

FACTUAL BACKGROUND

David Bedell was convicted of distribution of cocaine under 21 U.S.C. § 841(b)(1)(B) for an offense committed on July 1, 1987. He was sentenced on December 8, 1987, to a term of five years of imprisonment followed by four years of supervised release. The offense occurred after the enactment of the Anti-Drug Abuse Act of 1986 (October 27, 1986) but before the effective date of its section 1004 (November 1, 1987).

PROCEDURAL HISTORY

Defendant David Bedell was convicted under 21 U.S.C. § 841(b)(1)(B) for an offense committed on July 1, 1987, and sentenced to five years of imprisonment and four years of supervised release. He appealed, arguing that neither special parole nor supervised release was available for offenses committed on that date.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The judgment of sentence will be affirmed.

CASES CITED

- United States v. Gozlon-Peretz, 894 F.2d 1402 (3d Cir. 1990)
- United States v. Byrd, 837 F.2d 179 (5th Cir. 1988)
- United States v. Whitehead, 849 F.2d 849 (4th Cir. 1988)
- United States v. Smith, 840 F.2d 886 (11th Cir. 1988)

