

08-192 ABUELHAWA V. UNITED STATES

DECISION BELOW: 523 F.3d 415

LOWER COURT CASE NUMBER: 07-4639

QUESTION PRESENTED:

Whether the use of a telephone to buy drugs for personal use "facilitates" the commission of a drug "felony," in violation of 21 U.S.C. § 843(b), on the theory that the crime facilitated by the buyer is not his purchase of drugs for personal use (a misdemeanor), but is the seller's distribution of the drugs to him (a felony).

CERT. GRANTED 11/14/2008