

**09-10245 FREEMAN V. UNITED STATES**

DECISION BELOW: 355 FED. APPX. 1

LOWER COURT CASE NUMBER: 09-5047

**QUESTION PRESENTED:**

Section 3582(c)(2) of Title 18 of the United States Code provides that a district court may reduce a term of imprisonment after it has been imposed if the defendant "has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission."

Under Federal Rule of Criminal Procedure 11(c)(1)(C), the Government and the defendant may enter into a plea agreement in which they "agree that a specific sentence or sentencing range is the appropriate disposition of the case" and "such a recommendation or request binds the court once the court accepts the plea agreement. "

The question presented is whether a defendant is ineligible for a sentence reduction under 18 U.S.C. §3582(c)(2) solely because the district court accepted a Rule 11(c)(1)(C) plea agreement.

CERT. GRANTED 9/28/2010