

Duncan Vs. U.S.

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Court : US Supreme Court

Decided On : 1989

Appeal No. : 493 U.S. 906

Appellant : Duncan

Respondent : U.S.

Judgement :

DUNCAN v. U.S. - 493 U.S. 906 (1989)

U.S. Supreme Court DUNCAN v. U.S. , 493 U.S. 906 (1989)

493 U.S. 906

Ovie L. DUNCAN, petitioner,

v.

UNITED STATES. No. 88-7294.

Supreme Court of the United States

October 10, 1989

Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit.

Denied.

Justice WHITE, dissenting.

This case involves the interpretation of 18 U.S.C. 3663(a) (1982 ed ., Supp. V), which provides that a court may order a defendant convicted under that title to make restitution "to any victim of such offense." Ibid. In this case, the Tenth Circuit read the term "offense" as used in 3663(a) broadly: the term does not "restrict a sentencing judge to consider only those acts for which conviction was had, or for which the defendant pleaded guilty." [870 F.2d 1532](#) , 1536 (1989). The Sixth Circuit, by contrast, has "adopted a narrow definition of 'offense' holding that '[a] natural construction of this language would require that the defendant make restitution only to victims of the offense for which he was convicted.' " United States v. Mounts, [793 F.2d 125](#) , 127 (1986) (citations omitted). I would grant the petition for a writ of certiorari in order to resolve this conflict.[Duncan v. U.S. [493 U.S. 906](#) (1989)]

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