

Case Summary: *Barrett v. United States*, No. 24-5774 (U.S. Jan. 14, 2026)

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In the case of *Barrett v. United States*, 607 U.S. ____ (2026), Dwayne Barrett, a getaway driver in a string of 2011-2012 New York armed robberies, was arrested and indicted on seven charges for being an accomplice in the robbery and killing of Gamar Dafalla.¹ Amongst those charges were two firearm offenses under 18 U.S.C. § 924(c)(1)(A)(i)—for using or carrying a firearm in relation to a crime of violence—and § 924(j)—for causing a death through the use of a firearm during a § 924(c) violation.² In 2013, the United States District Court for the Southern District of New York imposed consecutive sentences on all counts, resulting in a ninety year term of imprisonment.³ After a failed appeal to the Second Circuit in 2018, Barrett petitioned the Supreme Court for a writ of certiorari regarding these gun charges, asserting that he was being charged for the same crime twice.⁴ While Barrett’s case

¹ *Barrett v. United States*, No. 24-5774, slip op. at 2 (U.S. Jan. 14, 2026) (“Dwayne Barrett committed a series of robberies between August 2011 and January 2012. During one, Barrett’s confederate shot and killed Gamar Dafalla.”).

² *Id.* at 1 (“§924(c)(1)(A)(i), criminalizes using, carrying, or possessing a firearm in connection with a federal crime of violence or drug trafficking crime . . . §924(j), prescribes different penalties—including, in certain circumstances, capital punishment— when ‘a violation of subsection (c) causes death.’”).

³ *Id.* at 2 (“A jury found Barrett guilty on all seven counts, and the District Court sentenced Barrett to a total term of 90 years of imprisonment.”).

⁴ *Id.* at 2-3 (“After we decided *United States v. Davis*, 588 U. S. 445 (2019), and vacated the Second Circuit’s disposition of Barrett’s direct appeal in light of that decision, the Second Circuit vacated one of Barrett’s §924(c) convictions not at issue here.”).

remained in post-conviction proceedings, the Supreme Court decided *United States v. Davis*, 588 U.S. 445 (2019), which invalidated § 924(c)'s residual clause as unconstitutionally vague and limited the statute to offenses qualifying under its elements clause. Consequently, the case was remanded to the district court, which vacated one § 924(c) conviction because its predicate offense no longer qualified as a crime of violence.⁵ Although this reduced Barrett's sentence to fifty years, it did not, however, resolve his contention that § 924(c) and § 924(j) imposed multiple punishments for the same conduct.

During Barrett's resentencing under the new *Davis* precedent, the Supreme Court decided *Lora v. United States*, 599 U.S. 453 (2023), holding that § 924(j) does not incorporate § 924(c)'s mandatory consecutive-sentencing requirement.⁶ Because Barrett's firearm counts had previously been treated as mandatorily consecutive, this ruling directly affected his sentencing structure. In response to *Lora*, the District Court held that § 924(j) no longer required a mandatory consecutive sentence and therefore attempted to avoid an unlawful sentencing structure by merging Barrett's § 924(c) and § 924(j) convictions into a single sentence during their resentencing.⁷ On review, the Second Circuit held that this approach was

⁵ *Id.* at 3 (“The District Court then resentenced Barrett to 50 years in prison. Twenty of those years came from concurrent sentences on three Hobbs Act robbery counts, including, as relevant here, count five. Twenty-five years came from a consecutive term on count seven (the subsection (j) conviction), into which the District Court merged count six (the subsection (c) conviction).”).

⁶ *Id.* at 3 (citing *Lora v. United States*, 599 U. S. 453, 459 (2023)) (“*Lora* held that subsection (j) does not incorporate subsection (c)'s consecutive-sentence mandate. That mandate requires a subsection (c) sentence to run consecutively to ‘any other term of imprisonment imposed on the person.’ §924(c)(1)(D)(ii). It does not, we held in *Lora*, require the same of a subsection (j) sentence.”).

⁷ *Id.* at 3 (“When the District Court sentenced Barrett in this case, it had been under the opposite impression. So Barrett appealed again, and, bound by *Lora*, the Second Circuit vacated Barrett's sentence and remanded for another resentencing.”).

incorrect. The Circuit Court concluded that *Lora* addressed only whether § 924(j) mandates consecutive sentences, not whether it permits separate convictions or punishments.⁸ The Court then looked to the precedent set in *Blockburger v United States*, 284 U.S. 299 (1932), which outlines whether two charges arising from the same act constitute the same offense in order to avoid Double Jeopardy by asking whether each crime requires proof of a fact the other does not. Because § 924(j) requires proof that a death resulted and §924(c) does not, the Court held that Congress presumptively authorized separate punishments. Accordingly, the Court ruled that the two counts could not be merged and remanded the case for resentencing with separate sentences, even though those sentences were not required to run consecutively.⁹

Barrett again petitioned for certiorari, and the Supreme Court granted review to resolve whether both statutes may support convictions arising from a single act. In a unanimous decision, the Supreme Court ruled that only one conviction is permitted when a single act violates both § 924(c)(1)(A)(i) and § 924(j).¹⁰ Congress must provide clear language in the statute itself if it wishes to allow for multiple convictions, and it did not. Writing for the Court, Justice Jackson

⁸ *Id.* at 3 (“The Court of Appeals rejected Barrett’s argument that the Double Jeopardy Clause required the District Court to stay that course when the case returned for resentencing.”).

⁹ *Id.* at 4 (“And it recognized that the two provisions qualify as the same offense under the governing test laid out in *Blockburger*. 102 F. 4th, at 89–90. But it believed that, ‘[a]s construed in *Lora*,’ the two provisions ‘are separate offenses for which Congress has clearly authorized cumulative punishments.’ *Id.*, at 89.”).

¹⁰ *Id.* at 20 (“Congress has not authorized convictions under both 18 U. S. C. §§924(c)(1)(A)(i) and (j) for one act that violates both provisions. The part of the judgment of the Court of Appeals that held otherwise is reversed, and the case is remanded for further proceedings consistent with this opinion.”).

explained that although § 924(j) increases the penalties available when a § 924(c) violation causes death, Congress did not clearly authorize an additional conviction on top of the underlying § 924(c) offense.¹¹ Grounding its analysis in the Fifth Amendment’s Double Jeopardy Clause, the Court rejected the Second Circuit’s application of *Blockburger*. The Court concluded that Congress intended § 924(j) to operate as an alternative, not a supplement, to § 924(c)(1)(A)(i). The Court emphasized that “the Court of Appeals, Barrett, the Government, and Court-appointed amicus agree that §924(c)(1)(A)(i) and §924(j) define the same offense” and therefore the usual presumption against multiple punishments for the same offense applies.¹²

Justice Gorsuch wrote separately, agreeing in part. He agreed that Barrett could not receive two convictions for the same conduct but questioned the majority’s characterization of *Blockburger* as a presumption of legislative intent. In his view, when two statutory provisions fail the *Blockburger* test, they are the same offense under the guidelines of the Fifth Amendment.¹³ Accordingly, imposing separate convictions presents a direct constitutional violation under the Double Jeopardy Clause, not simply a problem of statutory interpretation. He wrote that Barrett

¹¹ *Id.* at 6 (“Congress has not authorized convictions under both 18 U. S. C. §§924(c)(1)(A)(i) and (j) for one act that violates both provisions. The part of the judgment of the Court of Appeals that held otherwise is reversed, and the case is remanded for further proceedings consistent with this opinion . . . Congress has not authorized convictions under both 18 U. S. C. §§924(c)(1)(A)(i) and (j) for one act that violates both provisions. The part of the judgment of the Court of Appeals that held otherwise is reversed, and the case is remanded for further proceedings consistent with this opinion.”).

¹² *Id.* at 9 (“The Court of Appeals, Barrett, the Government, and Court-appointed amicus agree that §924(c)(1)(A)(i) and §924(j) define the same offense.”).

¹³ *Id.* at 1 (Gorsuch, J., concurring in part) (“Under *Blockburger*, two provisions create the same offense for double jeopardy purposes unless each provision has an element the other lacks.”).

“was set to be criminally punished twice.”¹⁴ Justice Gorsuch highlighted what he described as tension in the Court’s Double Jeopardy jurisprudence, noting that the Court sometimes treated *Blockburger* as a constitutional rule and other times as a tool of statutory interpretation. He suggested that the better approach would be to give “the constitutional phrase ‘the same offence’ a consistent meaning,” so that Congress could not authorize multiple convictions for the same offense simply because charges are brought in a single proceeding rather than successive ones.¹⁵ His concurring opinion calls for a future reevaluation of how Double Jeopardy doctrine operates in cases involving overlapping federal statutes, especially in regards to the application of *Blockburger*.

Barrett v. United States is important because it reinforces a strong limit on prosecutors’ ability to stack multiple convictions for the same criminal act, protecting Fifth Amendment rights. By requiring clear Congressional authorization before permitting cumulative convictions, the Court strengthened Double Jeopardy protection against multiple punishments. *Barrett* is likely to influence how courts interpret overlapping federal criminal statutes, especially when one of the overlapping offenses is categorized as greater or lesser than other included offenses. By treating aggravated provisions as alternatives rather than cumulative add-ons, the precedent set by *Barrett* may limit excessive sentencing in cases involving

¹⁴ *Id.* at 6 (“Mr. Barrett really was charged twice for one offense. He really was convicted twice. Before our intervention, he really was set to be criminally punished twice. And whatever Congress might or might not intend, that is double jeopardy.”).

¹⁵ *Id.* at 4 (“True, this approach would require us to admit that *Blockburger* is not, after all, a mere presumption in the concurrent-prosecution context. But saying that much would give the constitutional phrase ‘the same offence’ a consistent meaning and treat like cases alike.”).

overlapping federal offenses.