

No. 17-6680

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IN THE  
SUPREME COURT OF THE UNITED STATES

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William Eaton - Petitioner

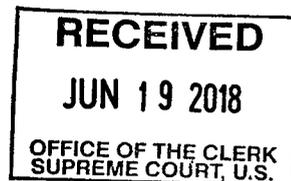
VS.

United States of America - Respondent

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Supplemental Brief  
Under Sup. Ct. Rule 15(8)

William Eaton  
#27089-045  
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Springfield, MO 65801



IN THE  
SUPREME COURT OF THE UNITED STATES  
Supplemental Brief Under Rule 15(8)  
To Petition For Certiorari to the 8th Circuit

Comes now William Eaton, respectfully supplementing his his earlier Petition for Certiorari to the 8th Circuit, under Supreme Court Rule 15(8) in the case of William Eaton v. United States of America, case no. 17-6680. Eaton Submits that, in the light of Class v. United States, 138 S. Ct. 798(2018) that this Court could issue a GVR for the 8th Circuit to consider the merits of Eaton's challenges.

Relevance

In Class, this Court stated that a defendant who pleads guilty does not waive the claim that the Government lacks the power to convict or punish him. A plea is an admission that the defendant did the charged actions, not a concession that those actions may properly be made criminal, at 800-801. Pleas may waive technical defects or unimportant errors, but they cannot grant authority in excess of the Constitution or in the face of a direct prohibition, id at 804, citing Menna v. New York, 423 US 61, 63 & n2(1975).

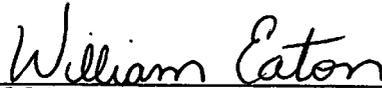
Here, Eaton has raised the claim that 18 U.S.C. § 1466a is unconstitutional, both facially and as applied. He has further asserted that both supervised release and SORNA are illegal punishments that the Government has no right to subject

him to. Like Class, these three claims that Eaton has raised state that there is no legal authority to punish him, no matter how guilty he may in fact be, at 801. The record is sufficient to decide if there is actually power to convict or punish him, at 806.

Though none of these claims was barred by Eaton's plea waiver, thus avoiding the question not answered in Class, of whether a waiver could, in theory, bar such a claim, the 8th Circuit simply refused to address these, and other, claims. Since these are structural limitations on the power of the Courts to act, this abstention is particularly inappropriate.

As this Court is usually not one of first review, but of final review, it would be an appropriate conservation of this Court's scarce resources to simply remand the case for the 8th Circuit to address these issues in the first instance.

Respectfully Submitted,



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Proof of Service

I, William Eaton, do swear or declare that on this date, June 12, 2018, as required by Supreme Court Rule 29, I have served this motion on the Solicitor General, Room 5614, Department of Justice, 950 Pennsylvania Ave. N.W., Washington D.C., 20530-0001, by delivering this envelope, with first-class postage prepaid to prison officials in compliance with the prison mailbox rule of Houston v. Lack.

Executed on June 12, 2018

  
William Eaton