

IN THE SUPREME COURT OF THE UNITED STATES
ON PETITION FOR A WRIT OF CERTIORARI
TO THE EIGHTH CIRCUIT COURT OF APPEALS

No. 17-6680

William M Eaton, Petitioner

versus

United States of America, Respondent

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SUPREME COURT OF THE UNITED STATES

SUPPLEMENTAL BRIEF UNDER RULE 15

IN LIGHT OF UNITED STATES V HAYMOND

Comes now, William M. Eaton, pro se Petitioner in this case, in light of the oral arguments in United States v Haymond, No. 17-1672, to supplement his earlier pleadings, and bring his standing to the Court's attention.

In the February 26 arguments in Haymond, significant concerns were raised about the constitutionality of release in general, specifically how it could not be upheld as parole. Justice Alito and the Solicitor General pointed that Haymond had not sufficiently raised those arguments for the Court's consideration (Transcript p 9-10). It was suggested that the Court should avoid those "novel" constitutional questions, as Haymond only raised an as applied challenge (p 22).

Whether Haymond has preserved or properly presented these questions or not, this case has raised these issues in the Court below and presented them in the petition for certiorari. In his Person response in the Eighth Circuit, Petitioner argued that release violated both the Double Jeopardy clause and the Sixth Amendment as interpreted by Booker. The false parole/release

comparison relied upon by the Solicitor General was briefed at length.

Regardless of the "non-criminal" label, release imposes new criminal punishments on an old crime, violating both the Double Jeopardy clause's protection against multiple punishments and the defendant's expectation of finality (Penson p 21-22; Certiorari p 16-17). Please note that the pages numbers are off of Petitioner's handwritten copy. Any mismatch in page numbers is due to that difference. Violation imposes even more penalties, and releasees may face violation without practical limit (Penson p 22); Certiorari p 17; Response p 17). It is commonly used to convict a releasee of a new crime, as it was to Haymond, in substance if not in form, where the evidence is insufficient to try him for a crime (Penson p 22). Or it is used to imprison him for something that is not, and cannot be made, criminal.

And, as this Court noted at oral arguments, it is misleading to compare parole to release. Whereas revocation of parole is merely the loss of a benefit, revocation of release involves imposing a brand new penalty (Transcript pp 4, 16, 32). Petitioner has raised this very concern. Unlike the parolee, he will be given no early release. He will instead be expected to serve another term of conditional liberty, on top of his prison term, and risk new incarceration at the whim of his probation officer, often for Constitutionally protected activities, beyond the power of the state to interfere with (Penson p 21; Certiorari p 16). Supervised release cannot be upheld as parole (Response p 12).

Whatever the scope of the challenges in Haymond's petition

is eventually determined to be, then, this petitioner has presented the very questions that this Honorable Court was addressing. The issues are still properly in front of this Court. If, for any reason, Haymond is found not to have properly raised these matters for consideration, Petitioner has. It is respectfully requested that this Court take any appropriate action to address them,

Respectfully submitted this 12th
day of March, 2019.

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CERTIFICATE OF SERVICE

I, William M. Eaton, the undersigned hereby certify that a true and correct copy of this motion was placed in the prison mailbox at the US Medical Center for Federal Prisoners, with prepaid postage on this 12th day of March, 2019 and properly addressed to the Solicitor General of the United States, 950 Pennsylvania Avenue, N.W., Washington, DC 20530-0001.

William M. Eaton
William M. Eaton
Date: 3 / 12 / 2019