

No. ____ - ____ (17A998)

IN THE
SUPREME COURT OF THE UNITED STATES

MARCUS L. HARRIS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

GEREMY C. KAMENS
Federal Public Defender

Patrick L. Bryant
Appellate Attorney
Counsel of Record
Laura J. Koenig
Assistant Federal Public Defender
Office of the Federal Public Defender
1650 King Street, Suite 500
Alexandria, VA 22314
(703) 600-0800
Patrick_Bryant@fd.org

QUESTION PRESENTED

The district court revoked Petitioner's term of supervised release and sentenced him to serve thirty days in jail and forty months of further supervised release. While Petitioner was in jail on this sentence, the probation officer filed a new supervised release petition alleging a pre-revocation violation of the already-revoked term of supervision. The district court then re-revoked the same term of supervised release, based on the pre-revocation conduct. The court sentenced Petitioner to serve an additional thirty-six months in prison and twenty-four more months of supervised release.

The question presented is one of federal court jurisdiction on which circuit courts have divided: Does a district court have jurisdiction to revoke a term of supervised release that has already been revoked, based on pre-revocation conduct that was not charged as a violation before the first revocation?

PARTIES TO THE PROCEEDINGS

All parties appear in the caption of the case on the cover page.

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at pages 1a to 8a of the appendix to the petition and is reported at 878 F.3d 111 (4th Cir. 2017). The unpublished ruling of the district court appears at pages 9a to 13a of the appendix to the petition and is available at 2016 WL 3922050.

JURISDICTION

The district court in the Eastern District of Virginia had jurisdiction over this federal supervised release revocation proceeding pursuant to 18 U.S.C. § 3231 and 18 U.S.C. § 3583. The court of appeals had jurisdiction over Petitioner's appeal pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742. That court issued its opinion and judgment on December 19, 2017. No petition for rehearing was filed. The Chief Justice granted an extension of time to March 28, 2018, in which to file this petition, in application 17A998.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISION INVOLVED

The text of 18 U.S.C. § 3583 is reproduced in the appendix to this petition, beginning at Pet. App. 14a.

STATEMENT OF THE CASE

Introduction

Petitioner Marcus Harris was serving a term of federal supervised release when that term was revoked and he was sentenced to thirty days in jail for violating his release conditions. While Petitioner was serving the thirty-day sentence, the probation officer filed a new petition alleging an additional violation. Petitioner objected that the court lacked jurisdiction to rule on violations based on conduct that took place before the revocation. The district court disagreed and revoked the term of supervision again, imposing an additional thirty-six months of imprisonment. On appeal, the Fourth Circuit affirmed.

The Fourth Circuit’s decision deepened a split among the circuit courts over whether a district court has jurisdiction to “re-revoke” a term of supervised release that has already been revoked. The Fourth and Sixth Circuits have held that district courts have jurisdiction over newly charged violations, and thus may revoke a previously revoked supervised release term. Two other circuits have approved new sanctions in similar circumstances. In contrast, the Ninth Circuit has held that “a term of supervised release cannot be revoked based on a violation of a condition of a previously revoked term of supervised release.” The division results from competing interpretations of this Court’s decision in *Johnson v. United States*, 529 U.S. 694 (2000), which addressed an earlier version of the supervised release statute, 18 U.S.C. § 3583. The Court should grant this petition to answer whether and how *Johnson* continues to apply to the current version of § 3583, and to resolve the split over whether district courts may adjudicate serial revocations of a revoked term of supervised release.

Proceedings in the District Court

In 2009, Petitioner pleaded guilty to one count of possession with intent to distribute five grams or more of cocaine base, in violation of 21 U.S.C. § 841. The district court later sentenced him to a term of imprisonment, to be followed by four years of supervised release. Pet. App. 3a; 878 F.3d at 113. He was released from prison and began his supervised release term in September 2014. Pet. App. 3a; 878 F.3d at 114.

In July 2015, Petitioner was a passenger in a car that was stopped by police. In a search of the car, the police found firearms and drugs. As a result of this incident and the subsequent police investigation into related events, the probation officer filed a series of

petitions alleging that Petitioner had violated certain conditions of his supervised release. Pet. App. 4a; 878 F.3d at 114. The charges included the commission of various state crimes, as well as Petitioner's failure to notify his probation officer of contact with the police when they served a search warrant at his home. Pet. App. 4a; 878 F.3d at 114.

The government ultimately dismissed all of these charges except for the failure-to-notify violation, and the district court held a revocation hearing on that charge in October 2015. Petitioner admitted the violation, and the court revoked his supervised release. The court sentenced Petitioner to serve thirty days in jail, plus forty more months of supervised release. Pet. App. 4a; 878 F.3d at 114.

While Petitioner was serving that thirty-day sentence, he was indicted in federal court on firearm and drug charges arising from the investigation flowing from the traffic stop. The probation officer then brought a new petition alleging this violation. Pet. App. 4a; 878 F.3d at 114. Petitioner moved to dismiss the petition, arguing that the district court lacked jurisdiction, after revocation, to rule on a violation based on pre-revocation conduct. The district court denied the motion. Pet. App. 9a.

In April 2016, Petitioner was convicted by a jury of being a felon in possession of a firearm. As a result of the conviction, the district court revoked Petitioner's supervised release again and imposed a sentence of thirty-six months in prison and twenty-four months of supervised release. Pet. App. 4a; 878 F.3d at 114-15. The court ordered the prison

sentence to run consecutively to the ten-year sentence it imposed on the felon-in-possession conviction.¹

Proceedings in the Court of Appeals

On appeal to the Fourth Circuit, Petitioner renewed his argument that the district court lacked jurisdiction to revoke his supervised release term a second time. In a published opinion, the appeals court disagreed and affirmed the revocation sentence. Pet. App. 1a; 878 F.3d 111. The basis for the court's decision was twofold.

First, the Fourth Circuit relied on its earlier decision in *United States v. Winfield*, 665 F.3d 107 (4th Cir. 2012). See Pet. App. 6a; 878 F.3d at 117. In *Winfield*, the defendant's supervised release was revoked twice, but in that case all of the charges were filed before the first revocation and the defendant had consented to bifurcated revocation hearings (one for minor, technical violations and another for substantive charges based on state crimes). 665 F.3d at 109. Although *Winfield* approved a second revocation in those circumstances, it did not reach the situation presented here.

Second, the Fourth Circuit interpreted this Court's decision in *Johnson* to permit serial revocations of the same term of supervised release. Pet. App. 5a-6a; 878 F.3d at 115-16 (citing *Johnson*, 529 U.S. at 705-06). According to the Fourth Circuit, *Johnson* permitted serial revocations because the defendant was still serving his term of supervised release even

¹ Petitioner's felon-in-possession conviction was affirmed in a separate appeal. See *United States v. Harris*, 688 F. App'x 223 (4th Cir.), cert. denied, 138 S. Ct. 436 (2017).

after revocation. *Id.* The court further held that the three-year sentence did not exceed the statutory maximum, and thus it affirmed the district court's ruling in full.

REASONS FOR GRANTING THE PETITION

This Court should grant the petition for three reasons. First, there is a division among the circuit courts as to whether district courts have the authority to revoke a term of supervised release that has already been revoked in light of newly charged pre-revocation violations. The Fourth and Sixth Circuits have approved these re-revocations, but the Ninth Circuit has held that the district court lacks jurisdiction to impose a new revocation and sentence under identical circumstances. The Fourth and Sixth Circuit opinions expressly disagree with the Ninth Circuit's, meaning that the split is widening and intractable.

Second, the Fourth and Sixth Circuits were wrong to permit a second revocation for pre-revocation conduct. Their rule is not supported by the supervised release statute, and indeed it creates anomalies and inconsistencies within that statute and other laws. The Court should not accept a revocation process that causes such problems.

Finally, Petitioner's case presents an excellent vehicle to resolve the split. He pressed the issue below, and the Fourth Circuit addressed it in a published opinion. Moreover, his sentence is long enough that, unusually for a supervised release case, his claim will not evade this Court's review. The Court may not get a better opportunity to resolve this important question, and it should grant this petition to do so now.

I. The circuit courts are divided over whether a district court has jurisdiction to re-revoke a previously revoked term of supervised release based on pre-revocation conduct.

A district court's authority over a defendant serving a term of supervised release derives from 18 U.S.C. § 3583. While under supervision, the defendant's freedom is subject to a variety of conditions. 18 U.S.C. § 3583(d); *Johnson v. United States*, 529 U.S. 694, 697 (2000) (providing overview of supervised release system as created in the Sentencing Reform Act, and holding that a district court can impose additional supervised release to follow a prison sentence imposed upon revocation). If the defendant violates a condition, the district court has several options to address the conduct, including the choice to "revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release." 18 U.S.C. § 3583(e)(3). In cases where the defendant's release has already been revoked and he has been sent to prison, however, it is not clear whether a district court can adjudicate a newly charged violation based on conduct occurring before the revocation and, in effect, "re-revoke" the term of supervised release.

In the decision below, the Fourth Circuit deepened an existing circuit split over the scope of a court's jurisdiction in these circumstances. The Fourth Circuit held that a district judge does have the authority to address new charges for pre-revocation conduct, because "[t]he first revocation ended neither Harris's supervised release nor the district court's jurisdiction." Pet. App. 6a; 878 F.3d at 118. The court read *Johnson* to stand for the proposition that a revocation does not "terminate" the term of supervised release; the term continues to exist after revocation. Under this reasoning, a probation officer can file new

charges, and a district court can impose new penalties, even after the term has been revoked and the defendant sent to prison. Pet. App. 5a-6a; 878 F.3d at 116-17. As discussed below, Petitioner contends that this holding is incorrect, and that *Johnson* does not control the outcome of this case.

In deciding otherwise, the Fourth Circuit agreed with the Sixth Circuit's decision in *United States v. Cross*, 846 F.3d 188 (6th Cir. 2017). See Pet. App. 5a-6a; 878 F.3d at 115, 118 (citing *Cross*). In *Cross*, the defendant's supervised release was revoked, and he was sentenced to prison time and additional supervised release. After he completed the prison sentence and had begun serving the new release period, the district court discovered that Cross had committed a previously undetected state crime before the revocation. As a result of the newly discovered pre-revocation conduct, the district court revoked the defendant's supervised release again and imposed a new sentence. 846 F.3d at 189-90. The Sixth Circuit affirmed, holding that a revocation "revokes only the release part of supervised release," but that it preserves a court's power to supervise a defendant and to conduct another revocation, if necessary. *Id.* at 190; see also *United States v. Vazquez-Alvarez*, No. 12-286, 2015 WL 5090113, at *4 (D.P.R. Aug. 24, 2015) (magistrate judge's recommendation that district court exercise jurisdiction over violation alleging pre-revocation conduct).

Similarly, the Second and Tenth Circuits have authorized post-revocation modifications of the length of supervised release terms based on pre-revocation conduct, although those cases did not involve a second full revocation and prison term. See *United States v. Vargas*, 564 F.3d 618, 622-24 (2d Cir. 2009); *United States v. Hendrix*, 630 F.

App’x 816, 819 (10th Cir. 2015). In both of those cases, the district court revoked supervised release and imposed a punishment (home confinement in *Vargas*, a prison term in *Hendrix*), but later reconvened the matter and extended or continued the supervised release term. The Second and Tenth Circuits approved these post-revocation modifications, relying at least in part on *Johnson*. See *Vargas*, 564 F.3d at 622; *Hendrix*, 630 F. App’x at 819.²

In contrast, the Ninth Circuit “conclude[d] that a district court lacks jurisdiction under 18 U.S.C. § 3583(e)(3) to revoke a term of supervised release based on newly discovered violations of a previously revoked term of supervised release.” *United States v. Wing*, 682 F.3d 861, 863 (9th Cir. 2012). The facts in *Wing* are strikingly similar to those in Petitioner’s case, highlighting the clear split among the circuits. The defendant in *Wing* was serving a five-year term of supervised release. About four years into the term, the court revoked supervised release and sentenced her to three months in jail and thirty-three more months of supervised release. *Id.* During the time the defendant was in prison, she was indicted for conduct that occurred before her revocation. The district court revoked her term again and sentenced her to serve thirty-three months in prison, consecutive to the sentence she received under the new indictment. *Id.* at 863-64.

² This *Hendrix* decision held that the district court lacked the power to modify the supervised release term under Federal Rule of Criminal Procedure 35, but remanded to permit the district court to consider exercising jurisdiction under 18 U.S.C. § 3583(e). The district court accepted the invitation, and the Tenth Circuit affirmed the identical sentence after it had been imposed on remand. See *United States v. Hendrix*, 673 F. App’x 850 (10th Cir. 2016).

The Ninth Circuit held that the district court could not impose the second revocation sentence. The court noted that “when a term of supervised release is revoked, it has been annulled, and the conditions of that term do not remain in effect.” *Id.* at 868. Like this Court itself, the court acknowledged that the *Johnson* decision used an “unconventional” definition of “revoke” to rule that a revoked term of supervised release “retain[s] vitality after revocation.” *Id.* (quoting *Johnson*, 529 U.S. at 706-07). But as discussed below, the Ninth Circuit went on to explain why *Johnson* did not control the case of a second revocation based on pre-revocation conduct. *Id.* at 868-71. The court further observed that public policy concerns and the rule of lenity counseled against permitting serial revocations of a supervised release term. *Id.* at 872-74. Judge Tallman dissented, relying primarily on *Johnson*. *Id.* at 874-80 (Tallman, J., dissenting).

Based on these divergent opinions, the circuit split is clear, acknowledged, and intractable. It has no prospect of resolution absent this Court’s intervention. As the conflict turns on the differing interpretations of *Johnson*’s reach, it is especially apt for this Court to grant review in order to clarify the meaning and applicability of its own prior decision. The Court should grant this petition to do so.

II. A district court does not have jurisdiction to re-revoke a supervised release term that has already been revoked.

A. The circuit split stems from disagreement over the meaning of *Johnson*. In that case, the issue was whether a district court could add additional supervised release to follow a prison sentence imposed upon revocation. *Johnson*, 529 U.S. at 698. Thus, because

Johnson did not involve a subsequent revocation based on pre-revocation conduct, it is not precisely on all fours with this case. Nevertheless, the courts on either side of the circuit split have relied on or distinguished *Johnson* in addressing this issue, and so it is left to this Court to state definitively whether *Johnson* controls or even has any continuing validity at all.

The Court in *Johnson* construed the language of 18 U.S.C. § 3583(e)(3) as it read before Congress amended that subsection in 1994. *Id.* at 698-99. The Court acknowledged that it applied an “unconventional” and “less common” definition of “revoke” to hold that a “revoked” term of supervised release continues to “retain vitality after revocation.” *Id.* at 706-07. Because “something about the term of supervised release survives the preceding order of revocation,” *id.* at 705, a district court was free to order the defendant to serve the remaining balance of the term on supervision after imprisonment. *Id.* at 706-07. At the time, the Court called its reading of § 3583 “very metaphysical,” *id.* at 705, but reasoned that such an unusual interpretation was necessary in order to effectuate congressional intent.

As the Ninth Circuit explained in *Wing*, however, that reading is now “obsolete” given the current version of the statute. *Wing*, 682 F.3d at 870. The 1994 amendments to § 3583 added subsection (h) and altered subsection (e)(3) to provide that a defendant who is sentenced to prison upon revocation serves “a new and separate term of imprisonment,” rather than “the balance or remainder of the original term.” *Wing*, 682 F.3d at 870. *Johnson* had held that a defendant in those circumstances was serving (in prison) part of the original term of supervised release, but subsection (h) established that the defendant sentenced under the current version serves a new “term of imprisonment.” *Id.* at 870-71. Therefore,

Johnson's strained reading of the statute is no longer necessary, because Congress has expressed its intent more clearly.

Moreover, the Fourth Circuit's rule is inconsistent with § 3583(i), which permits a district court to revoke supervised release after expiration of the term, but only so long as a warrant or summons based on the allegation of a violation is filed before the term expires. 18 U.S.C. § 3583(i). As the court explained in *Wing*, "[i]t would make little sense for Congress to restrict the circumstances under which a district court can revoke an expired term of supervised release if courts have the authority to punish any belatedly discovered supervised release violation, however ancient, by revoking terms of supervised release that are ongoing or have yet to begin." *Wing*, 682 F.3d at 869. Congress passed the 1994 amendments to § 3583 to eliminate such ambiguities, not to entrench them.

Accordingly, *Johnson* is not controlling either because it simply did not reach the issue in this case – serial revocations based on pre-revocation conduct – or because it has been rendered obsolete by subsequent congressional action. The Fourth and Sixth Circuits were wrong to rely on *Johnson* to uphold the exercise of jurisdiction in cases like Petitioner's.

B. Further, adopting the Fourth and Sixth Circuits' position would, as the Fourth Circuit admitted, "create burdens for a defendant who must decide whether to wait to appeal his first and second revocation sentences together and thus risk his first sentence becoming moot." *Winfield*, 665 F.3d at 113-14. This Court has long noted the strong policy against "piecemeal appeals" in criminal cases. *See, e.g., Cobbledick v. United States*, 309 U.S. 323,

325 (1940). That policy is undermined by the decision below, as a defendant in Petitioner's shoes would be forced to appeal the initial revocation sentence in order to have any chance at appellate review of it, only to file a later appeal in the same case based on the second revocation.

There is yet another, more practical, reason that a re-revocation cannot be valid. Even assuming that the term of supervised release survives in some "metaphysical" sense after revocation, that does not necessarily mean that all of the *conditions* of release continue to apply once the defendant is no longer on release. After all, a defendant sitting in prison cannot comply with most standard conditions, such as reporting to a probation officer, maintaining employment, and avoiding felons. For that reason, even if some continuing jurisdiction exists, the defendant cannot be revoked for violating conditions that are no longer in effect.

Under 18 U.S.C. § 3624(e), "[a] term of supervised release does not run during any period in which the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than 30 consecutive days." A conclusion that supervised release continues to run, and that a defendant is still subject to conditions and possible revocation, would run afoul of this tolling provision in a case, like Petitioner's, where the initial revocation sentence was thirty days or more. Therefore, at a minimum, a district court should not have jurisdiction over a petition that was filed while a defendant was serving a term of post-revocation imprisonment.

Finally, the rule of lenity requires an interpretation of § 3583 that does not allow for re-revocation. *See Wing*, 682 F.3d at 874. The statute is at best ambiguous about whether serial revocations are permissible. Under the rule, “ambiguity concerning the ambit of criminal statutes should be resolved in favor of lenity.” *United States v. Bass*, 404 U.S. 336, 347 (1971). When interpreting a statute offering two possible readings, this Court will, before choosing “the harsher alternative,” “require that Congress should have spoken in language that is clear and definite.” *Id.* In this case, the rule of lenity is an additional reason to construe § 3583 as prohibiting serial revocations for pre-revocation conduct.

In sum, the Fourth and Sixth Circuits were wrong to read *Johnson* as settling this issue. The Ninth Circuit appropriately understood either that *Johnson* does not reach the matter of a second revocation for pre-revocation conduct, or else that *Johnson* has been rendered obsolete by the more recent amendments to § 3583. A proper interpretation of the current statute, as well as practical concerns and the rule of lenity, all counsel in favor of holding that district courts do not have the power to re-revoke a previously revoked term of supervised release based on pre-revocation conduct. *Johnson*’s “unconventional” reading of the older version of the statute should, if not overruled outright, be limited strictly to its facts.

The Court should grant the petition and make clear that the Ninth Circuit’s position is correct.

III. This case presents an ideal vehicle to answer the question presented.

Petitioner's case presents an excellent opportunity to resolve the circuit split. First, the issue was preserved and thoroughly litigated in the district court and the court of appeals. The district court denied Petitioner's motion to dismiss in a written opinion, Pet. App. 9a, and the appeals court issued a published opinion after oral argument, Pet. App. 1a. The question presented is a pure issue of law, and there is no dispute about the relevant facts. And because the underlying issue is the correct interpretation and continuing validity of *Johnson*, only this Court is in a position to answer the question.

Second, the split is stark and acknowledged. Both the Fourth and Sixth Circuits expressly noted and disagreed with the Ninth Circuit's position. Pet. App. 6a, 8a; 878 F.3d at 116 n.2; *Cross*, 846 F.3d at 191. There is no hope that the split will resolve itself, because cases like Petitioner's simply will not arise in the Ninth Circuit. That is, a supervised release petition like the one here will never be filed in that circuit, thanks to the Ninth Circuit's jurisdictional bar on serial revocations for pre-revocation conduct. Given that state of affairs, a defendant like Petitioner can receive a three-year sentence within the Fourth Circuit that he could not receive if he had been serving his supervised release within the Ninth Circuit. Only this Court can eliminate this disparity.

Third, the issue is important. The vast difference in years of potential prison time that defendants face in different circuits is reason enough for this Court's attention. But in addition, the Court has not hesitated to grant certiorari to define the scope of federal-court jurisdiction. *See, e.g., United States v. Sanchez-Gomez*, 138 S. Ct. 543 (2017) (granting

certiorari to address question of appellate jurisdiction over certain interlocutory appeals); *Dalmazzi v. United States*, 138 S. Ct. 53 (2017) (granting certiorari to consider, inter alia, whether this Court has jurisdiction over cases under 28 U.S.C. § 1259(3)); *Manrique v. United States*, 137 S. Ct. 1266, 1270 (2017) (considering whether a single notice of appeal invokes appellate jurisdiction over a later-determined restitution judgment); *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Manning*, 136 S. Ct. 1562, 1566 (2016) (considering scope of exclusive federal jurisdiction over securities actions); *Bond v. United States*, 134 S. Ct. 2077, 2083 (2014) (considering whether act implementing chemical weapons treaty reached a purely local crime); *cf. Class v. United States*, 138 S. Ct. 798, 805 (2018) (holding that defendant’s guilty plea does not automatically waive challenge to “the Government’s power to constitutionally prosecute him”) (quotation omitted). It should do the same here, because whether a court has the clear statutory authorization to send someone to prison is among the most vital issues this Court could address.

Fourth, the length of Petitioner’s sentence makes his case the optimal vehicle for this Court to resolve the issue. Most supervised release sentences are short, and any challenges to those sentences will quickly become moot when the defendants are released. *See, e.g., Cross*, 846 F.3d at 190 (one day of incarceration imposed at second revocation); *Vazquez-Alvarez*, No. 12-286 (D.P.R. Mar. 30, 2016) (sentence of time served). In contrast, Petitioner received a three-year sentence, one that is consecutive to an existing ten-year sentence. There is no chance that his claim will become moot before this Court’s review would run its

course. The Court should grant review now, because there is no guarantee that another case with such opportune facts will arise any time soon.

Finally, the issue is a recurring one. Although Petitioner's case is unusual with respect to the length of his re-revocation sentence, similar cases arise with some frequency, albeit with sentences that are often too short to outlast appellate review. In addition to *Cross* and *Vazquez-Alvarez, supra*, which involved short sentences, there are at least two pending Fourth Circuit cases raising similar issues. *See United States v. Atkins*, 4th Cir. No. 17-4586 (five-month sentence imposed on second revocation); *United States v. Paige*, 4th Cir. No. 17-4553 (six-month sentence). All of these cases, as well as Petitioner's, have arisen in the past few years. And now that the Fourth Circuit has given its published imprimatur to the practice, there is no reason to think it will abate.

This issue concerns the fair administration of the supervised release system, an issue of substantial interest to every federal criminal defendant sentenced to supervised release. According to data from the Administrative Office of the U.S. Courts, over 116,000 people are serving terms of supervised release around the country. *See* Administrative Office of the U.S. Courts, Federal Probation System – Persons Under Post-Conviction Supervision as of September 30, 2017 (Sept. 30, 2017), *available at* http://www.uscourts.gov/sites/default/files/data_tables/jb_e2_0930.2017.pdf. Courts revoke supervised release in approximately one-third of cases in which it is imposed. *See* U.S. Sent. Comm'n, Federal Offenders Sentenced to Supervised Release at 69 (2010), *available at* <https://www.ussc.gov/sites/default/files/pdf/>

research-and-publications/research-publications/2010/20100722_Supervised_Release.pdf.

As of 2009 (the most recent data available), approximately six percent of federal prisoners were serving prison sentences imposed after revocation of supervised release. *Id.* If the rule in the Fourth and Sixth Circuits stands, all of those people are at risk of facing another revocation, and the imposition of additional prison time, for pre-revocation conduct that was not alleged before their terms of supervised release were revoked. They deserve to know whether that threat is a valid one.

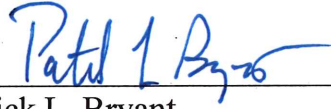
This case presents the jurisdictional issue well, and the circuit courts have acknowledged their division on this important question. The length of Petitioner's sentence gives him a strong interest in the resolution of the circuit split, and that sentence ensures that the issue will not evade this Court's review. The Court should grant this petition to settle the question of whether district courts can impose multiple revocations and sentences for the same supervised release term.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

GEREMY C. KAMENS
Federal Public Defender
for the Eastern District of Virginia



Patrick L. Bryant
Appellate Attorney
Counsel of Record
Laura J. Koenig
Assistant Federal Public Defender
Office of the Federal Public Defender
1650 King Street, Suite 500
Alexandria, VA 22314
(703) 600-0800
Patrick_Bryant@fd.org

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