

No.

IN THE
Supreme Court of the United States

ANTHONY MADISON,

PETITIONER,

V.

UNITED STATES OF AMERICA,

RESPONDENT.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The question presented is:

Must a jury find a supervised release violation beyond a reasonable doubt before a judge can revoke release and impose punishment?

INTERESTED PARTIES

Petitioner (appellant below) is Anthony Madison.

Respondent (appellee below) is the United States of America.

RELATED PROCEEDINGS

Madison v. United States, No. 25A1181 (U.S.)

United States v. Madison, No. 25-1740 (8th Cir.)

United States v. Madison, No. 4:20-cr-00314-SEP (E.D. Mo.)

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PETITION FOR A WRIT OF CERTIORARI

Anthony Madison respectfully petitions the Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit.

DECISION BELOW

A copy of the Eighth Circuit’s opinion appears at Pet. App. 1a – 2a and is reported at 2026 WL 322917.

JURISDICTIONAL STATEMENT

Mr. Madison invokes this Court’s jurisdiction under 28 U.S.C. § 1254(1) and Part III of the Rules of the Supreme Court of the United States. The Eighth Circuit had jurisdiction under 28 U.S.C. § 1291. It entered its judgment on February 6, 2026. Pet. App. 1a – 2a. On April 28, 2026, Justice Kavanaugh granted Mr. Madison until July 6, 2026, to file this petition. Pet. App. 3a.

RELEVANT PROVISIONS

Article III, § 2 of the Constitution of the United States provides that:

“The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury[.]”

The Fifth Amendment to the Constitution of the United States provides that:

“No person shall be . . . deprived of life, liberty, or property, without due process of law[.]”

The Sixth Amendment to the Constitution of the United States provides that:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed[.]”

18 U.S.C. § 3583(e)(3) provides that:

“[T]he court may . . . revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on post-release supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release[.]”

INTRODUCTION

Missouri accused Anthony Madison of two crimes. Its prosecution ended when a local grand jury refused to indict. But when the federal government alleged those same offenses, it brought its case to a judge. That judge found, by a preponderance of the evidence, that Mr. Madison broke the two state laws. So she ordered him to serve a year and a day in prison and then complete supervision.

This was possible because Mr. Madison was on supervised release when he allegedly committed the state offenses. No one claimed any other supervision violations, just the state crimes that a grand jury had already rejected. Yet, the federal government could still arrest Mr. Madison, publicly accuse him of wrongdoing, jail him, convict him, and punish him. An end-run around the constitution, supervised release allows the government to accomplish all of this without proving its allegations to a jury beyond a reasonable doubt.

The Founders would not have tolerated this. Founding-era courts used postconviction “recognizances” to impose supervision conditions on convicted persons who had reentered the community. Those recognizances shared a critical feature with modern-day supervised release: they did not *replace* some other part of a person’s punishment. Like supervised release, they began only after a person served the full prison term that his judge ordered.

That feature has constitutional consequences. The Founders punished a recognizance breach only if jurors first found a violation. When Americans later transitioned to a delayed or deferred punishment model—culminating with probation and parole—judges concluded that jurors were unnecessary. Supervised release marks a return to an additional punishment regime. Because such a regime required a jury at the Founding, it requires one now.

This Court should intervene and reassert that original understanding.

STATEMENT OF THE CASE

A. Legal Background

1. The constitution forbids the government from punishing someone for a crime without first proving his guilt to a jury. Specifically, Article III provides that “[t]he Trial of all Crimes, except in Cases of Impeachment, shall be by Jury[.]” U.S. Const. art. III, § 2. And per the Sixth Amendment, “[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury[.]” U.S. Const. amend. VI. These provisions are a coextensive limit on penal power. *Callan v. Wilson*, 127 U.S. 540, 549 (1888).

The Founders wrote an additional constraint into the “companion” Fifth Amendment, which requires a “jury verdict based on proof beyond a reasonable doubt” as a prerequisite to punishment. *Apprendi v. New Jersey*, 530 U.S. 466, 478 (2000). This “demand for a higher degree of persuasion” has existed since “ancient times,” with the familiar “reasonable doubt” framework “crystalliz[ing]” in the Founding era. *In re Winship*, 397 U.S. 358, 361 (1970).

These protections “cannot mean less today than they did the day they were adopted[.]” *United States v. Haymond*, 588 U.S. 634, 642 (2019) (plurality op.). If a matter “was understood at the time of the Nation’s founding” to be within the jury’s province, it remains so today. *Erlinger v. United States*, 602 U.S. 821, 843 (2024). This Court thus applies the Fifth and Sixth Amendment’s original meaning to “legislative innovations” that bypass jurors’ “supervisory authority.” *Haymond*, 588 U.S. at 642, 643 (plurality op.); *Southern Union Co. v. United States*, 567 U.S. 343, 353 (2012) (Court interprets Fifth and Sixth Amendments in context of “the historical role of the jury at common law”) (quoting *Oregon v. Ice*, 555 U.S. 160, 170 (2009)).

2. This case implicates jurors’ authority over supervision. At the Founding, courts often supervised convicted persons through “recognizances.” *See generally* Jacob Schuman,

Revocation at the Founding, 122 MICH. L. REV. 1381 (2024). Recognizances “required [a] person to promise, on the record, to comply with a list of conditions” set by a judge. *Id.* at 1403. Founding-era recognizances were generally “structured as an additional penalty” that did not replace or delay a prison sentence. *Id.* at 1430. They were their own, separate punishment. For example, colonial New Yorker James Gaines, upon conviction for “assault with intent to ravish an eight-year-old child,” had to pay a fine, endure an hour in the pillory, spend six months in jail, and—only after completing that term—live seven years under a recognizance. *Id.* at 1411-12 (quoting Julius Goebel Jr. & T. Raymond Naughton, *Law Enforcement in Colonial New York: A Study in Criminal Procedure (1664-1776)*, 515-16 (1944)).

Failure to abide by a recognizance had consequences, including forfeiture of a bond or additional incarceration. *See Haymond*, 588 U.S. at 677 (Alito, J., dissenting) (describing consequences of a recognizance breach). Yet the state could not punish violators based on mere suspicions. It had to prove any alleged breach to jurors. *See Schuman* at 1417-22. The “sole exception” applied to violations “committed inside the courtroom and memorialized on the record[.]” *Id.* at 1418, 1422. Only jurors could find “violations committed outside the courtroom [] that required proof by extrinsic evidence[.]” *Id.* at 422. “In practice, this distinction usually meant that failures to appear could be found by a judge whereas breaches of the peace and other misbehavior had to be proved to a jury.” *Id.*

3. Supervision evolved, and jurors’ roles evolved with it. In the 1830s, criminal courts began ordering recognizances while delaying sentencing. *Schuman* at 1426. This new practice, known as “laying a case ‘on file,’” did not tack supervision onto custody’s backend. Judges experimented with deferring punishment and replacing it with supervision. *Id.* That, in turn, meant jurors no longer played the same part. Since violators faced no new penalties

and simply saw delayed punishment come to bear, “courts concluded that they could resume the proceedings as punishment for violations without a jury trial.” *Id.*

Legislatures formalized this model via parole and probation statutes. *See* Schuman at 1429-30. Parole permitted release before a prison term expired. *Morrissey v. Brewer*, 408 U.S. 471, 477 (1972) (“The essence of parole is release from prison, before the completion of sentence, on the condition that the prisoner abide by certain rules during the balance of the sentence.”). Probationers could “avoid prison altogether” through good performance on pre-incarceration supervision. *Haymond*, 588 U.S. at 651 (plurality op.). These regimes delayed or deferred prison time, just as laying the case on file had. And like the informal practice that inspired them, they allowed courts to find and punish violations without a jury. *See Morrissey*, 408 U.S. at 480 (no jury right at parole revocation); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, for probation revocation).

Parole and probation dominated supervision until the late twentieth century, when the federal government pivoted back to a Founding-era model. The Sentencing Reform Act of 1984 abolished parole and swapped in supervised release. *See generally* Fiona Doherty, *Indeterminate Sentencing Returns: the Invention of Supervised Release*, 88 N.Y.U. L. REV. 958 (2013). Supervised release, like Founding-era recognizances, “serve[d] as a transitional period between incarceration and freedom.” *Rico v. United States*, 607 U.S. ____, 146 S. Ct. 947, 951 (2026). Federal inmates would now serve each day of their statutory terms before beginning supervision.

Congress understood that retreat from deferred punishment required a return to juries. The Sentencing Reform Act included no mechanism for a judge to revoke release based on his or her own findings. *See* Doherty at 999. Instead, a judge faced with “repeated or serious

violations” could hold supervisees in criminal contempt. *Id.* at 1000 (quotation omitted). Under that scheme, “[s]upervised release could not be revoked in favor of prison, because it was not an alternative to prison. Rather, a violation of supervised release could only result in reimprisonment if it rose to the level of a new crime—the criminal disregard of a court order.” *Id.* Such a finding had to come from a jury acting on proof beyond a reasonable doubt. *Id.*

The Sentencing Reform Act was set to go live in 1987. Before it did, the Anti-Drug Abuse Act of 1986 brought a change. A “technical amendment” within that law permitted judges to revoke supervised release if they found a violation by a preponderance. Doherty at 1000-01. That provision had its genesis in a prior request “for a ‘streamlined procedure for enforcing the conditions of supervised release.’” *Id.* at 1001 (quoting 131 Cong. Rec. S7373, 7409 (daily ed. June 4, 1985)). The cost of efficiency was the statutory jury right.

4. Three decades later, *Haymond* considered 18 U.S.C. § 3583(k), which required courts to revoke supervision and impose a mandatory minimum five-year sentence if a sex offender on supervised release committed certain sex crimes. *See* 588 U.S. at 639 (plurality op.). Justice Gorsuch’s plurality opinion found that the “structural difference” between supervised release and probation or parole—its additional punishment model—bore “constitutional consequences.” *Id.* at 652. Because § 3583(k) “require[d] a substantial increase in the minimum sentence to which a defendant may be exposed based only on judge-found facts under a preponderance standard,” it “offend[ed] the Fifth and Sixth Amendments’ ancient protections.” *Id.*

The plurality insisted that it was stopping with § 3583(k). It warned against reading its opinion to suggest that supervised release’s structure had broader implications. *See id.* at 652 n.7 & 655. Justice Alito, writing for four dissenters, was not so sure. He saw the plurality

opinion as “carefully crafted for the purpose of laying the groundwork for later decisions of *much* broader scope.” *Id.* at 659 (Alito, J., dissenting) (emphasis in original). He explained that if the plurality was correct that supervised release’s structure made a revocation hearing “a criminal prosecution,” then every revocation hearing (not just those under § 3583(k)) had to be “governed by the Sixth Amendment (and the Fifth Amendment to boot).” *Id.* at 661-62.

Justice Breyer charted another course. Concerned about “the potentially destabilizing consequences” of a wider ruling, he focused on “three aspects” that made § 3583(k) “less like ordinary revocation and more like punishment for a new offense, to which the jury right would typically attach.” *Id.* at 658-59 (Breyer, J., concurring in the judgment). First, the provision was triggered only “when a defendant commit[ted] a discrete set of federal criminal offenses specified in the statute.” *Id.* at 659. Second, it eliminated discretion over whether to impose a prison sentence and the length of that sentence. *Id.* Third, it denied discretion in a “particular manner:” a mandatory minimum. *Id.* In combination, those features “more closely resemble[d] the punishment of new criminal offenses[.]” *Id.* Justice Breyer therefore voted to invalidate § 3583(k) despite agreeing with the dissent that “the role of the judge in a supervised-release proceeding is consistent with traditional parole.” *Id.* at 657-58.

B. Procedural History and the Decision Below

In 2023, Mr. Madison received a thirty-month prison sentence for unlawfully possessing a firearm. Dist. Ct. Dkt. 68 (original judgment). He served his time and then began supervised release. He performed “quite well[.]” encountering “no issues whatsoever” in the community. Dist. Ct. Dkt. 122 (hr’g transcript) at 22. He appeared to be on course to complete his supervision by its July 2026 expiration. *See* Dist. Ct. Dkt. 96 at 1 (noting anticipated expiration date).

Things went south in November 2024. Mr. Madison and his girlfriend had an argument about their daughter. Dist. Ct. Dkt. 122 at 81-82. The girlfriend reported that Mr. Madison left her “several threatening phone calls and text messages” and “threatened to post [and did post] sexually explicit photos of her to his public Facebook account[.]” Dist. Ct. Dkt. 96 at 1-2.

Those allegations led to state charges “for felony Harassment First Degree and felony Nonconsensual Dissemination of Private Sexual Images.” Dist. Ct. Dkt. 96 at 3. Missouri’s prosecution, however, barely got off the ground. When it sought a grand jury indictment, jurors returned a no true bill. Dist. Ct. Dkt. 101-1. The state took no further action.

The federal government sought to punish Mr. Madison for this same conduct by revoking his supervised release. The only alleged basis for revocation was that Mr. Madison violated the condition that he “not commit another federal, state or local crime.” Dist. Ct. Dkt. 68 at 3. Mr. Madison sat in a local jail until he could receive a hearing on that accusation. *See* Dist. Ct. Dkt. 108 (minute entry noting Mr. Madison’s custody status).

At that hearing, Mr. Madison invoked his “right to a jury trial and for a jury trial to find whether he violated supervision by committing new crimes under a reasonable doubt standard.” Dist. Ct. Dkt. 122 at 4. He submitted “that failure to have a jury trial under a reasonable doubt standard in a supervision context violates not only the Sixth Amendment but also Article III of the Constitution.” *Id.* at 4-5. But, he acknowledged that Circuit precedent foreclosed his arguments. *Id.*

The District Court denied Mr. Madison’s requests and proceeded without a jury. *Id.* at 5. It conducted a two-hour hearing that included several exhibits and four live witnesses. After the close of evidence, the parties made statements that hit on several disputed factual

issues. *See id.* at 97-99, 100, 102, 103, 106. The District Court then told both sides that they “gave me a lot to think about, and I’m going to think about it.” *Id.* at 107.

Everyone reconvened five days later. The District Court announced “that both statutes by a preponderance of the evidence ha[d] been violated[.]” Dist. Ct. Dkt. 120 (sent. transcript) at 10. It went on to revoke Mr. Madison’s supervision and impose a new prison term of twelve months and a day. *Id.* at 29. It also ordered Mr. Madison to complete “an additional term of supervision of [] 23 months” following his prison stay. *Id.*

Mr. Madison appealed. He argued that his revocation violated the Fifth and Sixth Amendments as well as Article III, § 2. COA Appellant’s Br. at 11-28. However, he again conceded that Eighth Circuit precedent foreclosed this contention. *Id.* at i.

The government sought summary affirmance. COA Gov. Motion (8th Cir. July 14, 2025). Mr. Madison resisted that request, stressing the issue’s importance and the need for the parties to develop their positions. COA Appellant Resp. (8th Cir. July 18, 2025). The Eighth Circuit agreed with Mr. Madison and ordered full briefing. COA Order (8th Cir. Aug. 20, 2025).

Following that briefing, the Eighth Circuit affirmed based on its precedent. Pet. App. at 2a (citing *United States v. Eagle Chasing*, 965 F.3d 647, 650-51 (8th Cir. 2020)). It had previously held that “[u]ntil the Supreme Court invalidates § 3583(e)(3), we must follow our precedent and hold that the revocation of Eagle Chasing’s release did not violate his constitutional rights.” *Eagle Chasing*, 965 F.3d at 651. This Court had not yet stepped in, so Mr. Madison’s claim was destined to fail. *Id.*

REASONS FOR GRANTING THE WRIT

A. This petition presents a recurring issue that exposes an important gap in Sixth Amendment jurisprudence.

1. Every morning, about 120,000 Americans wake up and go about their day under the federal government's watch. Administrative Office of United States Courts, *Judicial Business 2025: Post-Conviction Supervision*, available at <https://perma.cc/8ZPP-FJTV> (number of people under community supervision). Ninety percent of them are on supervised release. *Id.* More than 17,000 supervisees will see their release revoked in the next twelve months. Administrative Office of United States Courts, *Federal Probation System -- Post-Conviction Supervision Cases Closed With and Without Revocation, by Type, During the 12-Month Period Ending September 30, 2025*, available at <https://perma.cc/8RMY-6MFC>. All will face potential new punishment despite having served their full prison terms. Yet none will enjoy a jury or the reasonable doubt standard at their revocation hearing.

This state of affairs is an anomaly. Time and again, the Court has vindicated Fifth and Sixth Amendment rights when modern innovations threatened them. *E.g.*, *Ring v. Arizona*, 536 U.S. 584, 589 (2002) (death penalty based on judicial factfinding); *Blakely v. Washington*, 542 U.S. 296, 305 (2004) (mandatory state sentencing guidelines); *United States v. Booker*, 543 U.S. 220, 226-27 (2005) (mandatory federal sentencing guidelines); *Southern Union*, 567 U.S. at 350 (criminal fines); *United States v. O'Brien*, 560 U.S. 218, 227 (2010) (machine gun enhancement under 18 U.S.C. § 924(c)); *Alleyne v. United States*, 570 U.S. 99, 103 (2013) (mandatory minimums); *Hurst v. Florida*, 577 U.S. 92, 98-99 (2016) (death penalty based on judicial factfinding); *Erlinger*, 602 U.S. at 834-35 (recidivist enhancement under 18 U.S.C. § 924(e)). Supervised release has managed to avoid a similar constitutional reckoning.

2. *Haymond* stopped short of closing the gap. The plurality looked to the Fifth and Sixth Amendments to invalidate § 3583(k). *See, e.g., Haymond*, 588 U.S. at 645-56 (plurality op.). As the dissenters observed, the plurality’s analysis lacked a “clear ground for limiting [its] rationale” to that provision. *Id.* at 663 (Alito, J., dissenting). The “framework” actually called into question “the procedure to be followed in *all* supervised-release revocation proceedings.” *Id.* (emphasis in original). Indeed, all revocations—not just those under § 3583(k)—threaten to send a person to prison without a jury. Justice Breyer may have understood this too, as he offered little substantive reason why supervised release should not be treated the same way as other juror circumvention efforts. He instead resisted a broader ruling on prudential grounds: “the potentially destabilizing consequences” of closing the supervised release gap. *Id.* at 658 (Breyer, J., concurring in the judgment); *but see Apprendi*, 530 U.S. at 498 (Scalia, J., concurring) (“[The jury guarantee] never been efficient; but it has always been free.”).

Supervised release presents a special problem that has not abated since *Haymond*. Litigants continue to invoke their rights to no avail, leading Justice Gorsuch to conclude that the Court should grant review “soon.” *Burnett v. United States*, 607 U.S. ____, 146 S. Ct. 875, 877 (2026) (Gorsuch, J., dissenting from the denial of certiorari). Other judges have likewise criticized the status quo. *See, e.g., United States v. Peguero*, 34 F.4th 143, 165-179 (2d Cir. 2022) (Underhill, D.J., dissenting); *United States v. Henderson*, 998 F.3d 1071, 1078-88 (9th Cir. 2021) (Rakoff, D.J., dissenting); *United States v. Ka*, 982 F.3d 219, 223-29 (4th Cir. 2020) (Gregory, J., dissenting).

B. The Circuits have reached a consensus on this issue, but the Court should intervene because that consensus is mistaken.

1. There is no split on the question presented; no Circuit recognizes the jury right or reasonable doubt standard at a supervised release revocation hearing. *See, e.g., United States v. Work*, 409 F.3d 484, 491-92 (1st Cir. 2005); *United States v. Doka*, 955 F.3d 290, 294 (2d Cir. 2020); *United States v. Seighman*, 966 F.3d 237, 244 (3d Cir. 2020); *United States v. Coston*, 964 F.3d 289, 295-96 (4th Cir. 2020), *cert. denied* 141 S. Ct. 1252 (2021); *United States v. Flores*, 130 F.4th 465, 470 (5th Cir. 2025); *United States v. Robinson*, 63 F.4th 530, 539 (6th Cir. 2023); *United States v. Carpenter*, 104 F.4th 655, 660 (7th Cir. 2024), *cert. denied*, 145 S. Ct. 1188 (2025); *United States v. Farmer*, 172 F.4th 621, 624 (8th Cir. 2026); *Henderson*, 998 F.3d at 1077; *cert. denied* 142 S. Ct. 81 (2022); *United States v. Salazar*, 987 F.3d 1248, 1260 (10th Cir. 2021), *cert. denied* 142 S. Ct. 321 (2021); *United States v. Moore*, 22 F.4th 1258, 1268-69 (11th Cir. 2022) (decided on plain error review); *see also United States v. Casseday*, 807 F. App'x 5, 9 (D.C. Cir. 2020) (unpublished opinion applying plain error review).

Yet unanimity is not dispositive. This Court grants review when the Circuits have reached the wrong answer on a question with constitutional stakes. *See, e.g., Erlinger*, 602 U.S. at 828 (noting the government's observation that "a number of courts of appeals have refused requests for juries in cases like Mr. Erlinger's" without identifying any Circuits holding to the contrary); *see also generally New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). That is particularly true as to Fifth and Sixth Amendment rights. When those rights are imperiled, this Court gets involved over appeals to consensus. *See* Br. in Opp'n at 6, *Ring v. Arizona*, No. 01-488, 2001 WL 34092072 (Nov. 5, 2001) ("No conflict exists between the Arizona Supreme Court's decision and any decision of a United States court of appeals."); Br. in Opp'n at 9 n.4, *Apprendi v. New Jersey*, No. 99-478, 1999 WL 33611431 (Oct. 20, 1999).

(stating that the decision below “d[id] not conflict with any decision of any other state court of last resort or of a United States court of appeals”).

There is no chance of the Circuits switching course on their own. Lower courts understand that they are bound by Justice Breyer’s solo concurrence, an opinion that provides no support for an originalist view of the Fifth and Sixth Amendment. *Doka*, 955 F.3d at 296 (noting that the Breyer concurrence is *Haymond*’s holding); *Seighman*, 966 F.3d at 242 (same); *Coston*, 964 F.3d at 295 (same); *Flores*, 130 F.4th at 471 (same); *Robinson*, 63 F.4th at 540 (same); *Carpenter*, 104 F.4th at 660 (same); *Farmer*, 172 F.4th at 624 (same); *Henderson*, 998 F.3d at 1076 (same); *Salazar*, 987 F.3d at 1259 (same); *Moore*, 22 F.4th at 1268 (same); *see also United States v. Kerrick*, No. 22-3014, 2024 WL 1878758, at *3 (D.C. Cir. Apr. 30, 2024) (unpublished) (same). Mr. Madison understands this well, as his appeal failed due to the Eighth Circuit’s conclusion that there can be no reversion to an original understanding “[u]ntil the Supreme Court invalidates § 3583(e)(3)[.]” *Eagle Chasing*, 965 F.3d at 651; *see also* Pet. App. at 2a. If there is to be change, it must come from this Court.

2. It is time for that change. The current Circuit agreement rests on the mistaken premise behind Justice Breyer’s concurrence. He wrote that “the role of the judge in a supervised-release proceeding is consistent with traditional parole” and opined that “Congress did not intend the system of supervised release to differ from parole in this respect.” *Haymond*, 588 U.S. at 657-58 (Breyer, J., concurring in the judgment). Those comments overlook supervised release’s “structural difference[:]” it does not “replace a portion of the defendant’s prison term” like probation or parole, but instead kicks in only after a person has “serve[d] the great bulk of his assigned term.” *Id.* at 652 (plurality op.).

That difference matters today because it mattered at the Founding. Founding-era courts used recognizances in the same way that we now use supervised release. *Cf. Haymond*, 588 U.S. at 677 (Alito, J., dissenting) (counting recognizances among supervised release’s “nearest practices”). Recognizances operated as additional penalties rather than deferral of or reprieve from punishment. Schuman at 1430-31. That model meant jurors had to find alleged breaches. *Id.* at 1418-22. Only when courts shifted to delayed or deferred punishment (laying a case on file, parole, probation) did jurors drop out of the process. *Id.* at 1426-30.

The *Haymond* plurality recognized that supervised release brought supervision back to an additional punishment model. That return requires the concomitant return of jurors and a reasonable doubt standard. Otherwise, modern Americans’ protections would fail to keep pace with those of the Founding generation. *Haymond*, 588 U.S. at 642 (plurality op.) (Fifth and Sixth Amendments “cannot mean less today than they did the day they were adopted”).

C. This case is an excellent vehicle.

This petition presents an ideal chance to reassert original Fifth and Sixth Amendment principles. The case raises no extraneous side issues, and the petition poses a single question that Mr. Madison and the government aired out below with full briefing. Moreover, it implicates the supervised release gap in a rare way. Thanks to Missouri grand jurors, we have evidence of what a petit jury might have done with Mr. Madison’s facts. We also know that the District Court seemingly treated the factual disputes as close calls. So this petition is a vehicle that cleanly implicates the question presented in a concrete way.

That is true even though the District Court did not “impose a sentence that will cause [Mr. Madison’s] total time in prison to exceed the statutory maximum Congress has authorized for his underlying conviction.” *Burnett*, 146 S. Ct. at 876 (Gorsuch, J., dissenting

from the denial of certiorari). Across his initial and revocation terms, Mr. Madison has been ordered to serve forty-two months and a day in prison. It is true that the District Court could have imposed that much time (or more) at his initial sentencing. But it did not. It instead imposed a thirty-month sentence. Then after Mr. Madison served his full term and reentered the community, the District Court imprisoned him again as punishment for new criminal accusations that had nothing to do with his original offense. That it could not do: “[o]nly a jury, acting on proof beyond a reasonable doubt, may take a person’s liberty.” *Haymond*, 588 U.S. at 637 (plurality op.).

This petition also offers the Court both narrow and broad paths to solving the supervised release problem. Because the District Court revoked Mr. Madison’s supervision based solely on criminal accusations, a narrow path could focus on revocations for new alleged crimes. That approach would allow the Court to avoid the tougher question of how the Founders would treat modern-day technical violations. *See* Schuman at 1422 (discussing exception to jury requirement for “[v]iolations committed inside the courtroom and memorialized on the record”). Yet this case does not foreclose a broad approach if the Court prefers it. Mr. Madison never limited his Fifth or Sixth Amendment argument to revocations rooted in new crimes. So his case squarely presents the narrow and broader issue alike.

CONCLUSION

The petition should be granted.

Respectfully submitted this 2nd day of July, 2026,

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