

## SCOTUS Opinion: Court Strikes Supervised Release Statute That Permitted Additional Prison Time Without A Jury Determination

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In [United States v. Haymond](#), Andre Haymond was found guilty by a jury of possessing child pornography, a crime that permitted a prison term of zero to 10 years. After serving his term and while on supervised release, Haymond was found with what appeared to be images of child pornography on his devices. Under 18 U.S.C. sec. 3583(k), a person found by a preponderance of the evidence to be possessing child pornography while on supervised release gets a mandatory minimum additional five-year prison term, and up to life. The district court so found and sentenced Haymond to five years imprisonment. The Tenth Circuit held that the law violated the right to trial by jury guaranteed by the Fifth and Sixth Amendments because the prison term was imposed without a jury finding the necessary elements beyond a reasonable doubt. Five members of the Court affirmed. Justice Gorsuch, joined by Justices Ginsburg, Sotomayor, and Kagan, held that the district court judge could not, without a finding of the elements beyond a reasonable doubt by a jury, increase the legally prescribed range of allowable sentences as occurred here. This plurality opinion saw no reason to exclude punishments under supervised release from the requirements of a jury verdict. Justice Breyer, separately concurring in a more narrow opinion that is likely to be the Court's ultimate holding, stated that while he saw Section 3583(k) as imposing a punishment for a new offense, to which the jury right would typically attach, he saw no reason to make the jury requirement apply to the supervised-release context as a whole. Justice Alito, joined by Chief Justice Roberts, and Justices Thomas and Kavanaugh, dissented, arguing that the plurality opinion was dangerously broad in scope as potentially undermining the entire supervised-release system, and finding no constitutional basis for Justice Breyer's narrower opinion. A link to the opinion is [here](#).

**TAGGED:** [scotus](#), [Sixth Amendment](#), [SCOTUS opinion](#), [Supervised Release](#), [Fifth Amendment](#), [Tenth Circuit](#), [United States v. Haymond](#), [18 U.S.C. sec. 3583\(k\)](#), [mandatory minimum](#), [right to trial by jury](#), [beyond a reasonable doubt](#)