

SCOTUS Opinion: Time Served On A New Conviction Tolls The Supervised Release Period

3 Jun 2019

While on supervised release after serving time for violating federal law, Jason Mont was arrested under state law for drug trafficking. He entered into a plea agreement. After his supervised release period expired, he was sentenced in state court, and credited with time served. The federal court then issued a warrant based on his violation of his supervised release. Mont argued there was no jurisdiction because the period had expired. The district court held that it retained jurisdiction and sentenced him to additional time for violating the terms of his release. The Sixth Circuit affirmed, holding that the supervised release period was tolled while he was held in pretrial detention in state custody pursuant to 18 U.S.C. sec. 3624(e), which tolls the period when a defendant “is imprisoned in connection with a conviction,” creating a circuit split. In [Mont v. United States](#), the Court, in a 5-4 opinion by Justice Thomas, affirmed, holding that pretrial detention later credited as time served for a new conviction tolls the supervised release period under Section 3624(e). Pretrial imprisonment becomes “in connection with a conviction” once it is deemed time served under that new conviction, and rejected the argument that there could be no backward-looking tolling because of the present-tense language “is imprisoned.” Justice Sotomayor, joined by Justices Breyer, Kagan, and Gorsuch, dissented, arguing that the majority’s reading of the statute was at odds with its language. A link to the opinion is [here](#).

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