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Justices add three new cases to this term's docket

This afternoon [the justices announced](#) that they had granted review in three new cases, involving issues ranging from patent and bankruptcy law to the federal law governing sex offenders. The justices did not act on several high-profile petitions for review, including a dispute over a cross on public land in the Washington, D.C., suburbs and a challenge to mandatory bar dues for lawyers. More orders from the justices' private conference today are expected on Monday morning at 9:30 a.m., although the justices are unlikely to add any new cases to their docket with those orders.

In *United States v. Haymond*, the justices will weigh in on a challenge to the constitutionality of a federal law that requires additional prison time for sex offenders who violate the terms of their supervised release.

The defendant in the case is Andre Haymond, who was convicted on child pornography charges in 2010. A federal court sentenced Haymond to 38 months in prison, followed by 10 years of supervised release.

In 2015, Haymond was charged with violating his supervised release by (among other things) possessing pornography and child pornography, failing to tell the probation office about computers that he owned and repeatedly failing to attend sex-offender treatment sessions. A district court sentenced him to five additional years in prison, followed by five more years of supervised release.

Haymond appealed to the U.S. Court of Appeals for the 10th Circuit, which vacated the new prison sentence and sent his case back for resentencing. The court of appeals concluded that the federal law governing the revocation of supervised release and requiring additional prison time for sex offenders who violate the terms of their supervised release is unconstitutional, for two reasons: It takes away the sentencing judge's discretion and imposes additional punishment on sex offenders based on new conduct, for which they had not been convicted by a jury beyond a reasonable doubt.

The federal government went to the Supreme Court over the summer, asking the justices to review the 10th Circuit's ruling. The government told the court that the part of the law that the lower court struck down plays "an important role in protecting the public from harm," and today the justices agreed to take up the case.

With a grant in *Return Mail v. U.S. Postal Service*, the justices agreed to consider whether the government is a "person" who can ask to institute proceedings under the Leahy-Smith America Invents Act. That law allows a "person" who has been sued for patent infringement to challenge the validity of the patent through a covered business method review before the Patent Trial and Appeal Board.

And in *Mission Product Holdings v. Tempnology LLC*, the justices agreed to decide an issue involving the rights of an entity that has permission to use intellectual property when the owner of that property goes through bankruptcy and rejects the agreement. The question before the court is whether, under federal bankruptcy laws, the owner's rejection of the agreement giving permission to use its intellectual property terminates the rights to use the property.

All of three of the cases granted today are likely to be argued this winter, with a decision expected by late June.

This post was originally published at [Howe on the Court](#).

Posted in [Return Mail Inc. v. U.S. Postal Service](#), [Mission Product Holdings Inc. v. Tempnology, LLC](#), [U.S. v. Haymond](#), [Featured](#), [What's Happening Now](#)

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