

Jenner & Block Secures 8-1 Supreme Court Victory in Supervised Release Case, Resolving Circuit Split

News

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Jenner & Block Partner Adam Unikowsky and Associate Jonathan (Yoni) J. Marshall secured an 8-1 victory at the Supreme Court in *Rico v. United States*, successfully arguing that courts cannot automatically extend a defendant's term of federal supervised release when she absconds from supervision.

The case presented the question of whether the fugitive-tolling doctrine—the principle that a defendant should not receive credit toward their sentence for time spent as a fugitive—applies in the supervised release context. Adam and Yoni argued that the Sentencing Reform Act of 1984 contains no textual support for extending the doctrine to supervised release. In an 8-1 decision authored by Justice Gorsuch, the Supreme Court agreed, holding that courts cannot create a fugitive tolling doctrine where Congress has not authorized one.

The ruling resolves a circuit split in which five courts had sided with the government and only two with the defendant. With more than 109,000 individuals subject to federal supervised release, the decision has broad implications for how federal courts exercise sentencing authority.

Adam and Yoni joined the case at the Supreme Court stage, filing the successful petition for certiorari granted in June 2025 and the merits briefs. Adam argued before the Court on November 3, 2025.

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