

The Burger Court Opinion Writing Database

Sigler v. Parker

396 U.S. 482 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

January 15, 1970

Re: No. 743 - Sigler v. Parker

Dear Byron:

Join me in your Per Curiam.

W.E.B.
W. E. B.

Mr. Justice White

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

January 23, 1970

Re: No. 743 - Sigler v. Parker

MEMORANDUM TO THE CONFERENCE:

I have decided to withdraw my concurrence
in the Per Curiam after reading Justice Black's
dissenting opinion, and I request him to show me
as joining in his dissent.

W. E. B.

W. E. B.

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18-Circ. 1/15/70

SUPREME COURT OF THE UNITED STATES

October Term, 1969

MAURICE H. SIGLER, WARDEN, PETITIONER *v.*
DARRELL F. PARKER

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

No. 743. Decided January —, 1970

MR. JUSTICE BLACK, dissenting.

This Court in *Jackson v. Denno*, 378 U. S. 368 (1964), held over my dissent that the question of the voluntariness of defendant's alleged confession must be made by the trial judge in a separate proceeding prior to the submission of the confession to the jury, and that insofar as federal questions concerning coercion under the Fifth Amendment were concerned the decision of the trial judge forecloses the jury from passing upon the voluntariness question. In my dissent I said:

"... Whatever might be a judge's view of the voluntariness of a confession, the jury in passing on a defendant's guilt or innocence is, in my judgment, entitled to hear and determine voluntariness of a confession along with other factual issues on which its verdict must rest." 378 U. S., at 401.

I adhere to that dissent and hope that at some future time this Court will restore to defendants their right to have the voluntariness of alleged confessions determined by the jury as the Sixth Amendment requires.

I would not object if the Court were remanding the case for a new and complete retrial in which a Nebraska jury of the defendant's peers could determine after hearing the evidence whether the alleged confession had been voluntarily given. Clearly, when a jury passes upon the truthfulness of a confession, as it must do when a

To: The Chief Justice
Mr. Justice Black ✓
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas
Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

October Term, 1969

Circulated: 1/16/70

MAURICE H. SIGLER, WARDEN, PETITIONER
DARREL F. PARKERON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 743. Decided January —, 1970

MR. JUSTICE DOUGLAS, dissenting.

Respondent was convicted of murder and he was sentenced to life imprisonment on June 2, 1956, nearly 14 years ago. On appeal, his conviction was affirmed. *Parker v. State*, 164 Neb. 614, and we denied certiorari, 356 U. S. 933.

In 1962 respondent filed a petition for writ of error *coram nobis* in the sentencing court which was dismissed. The dismissal was affirmed on approval. *Parker v. State*, 178 Neb. 1.

In 1963 respondent sought post-conviction relief in the Nebraska court, alleging that the confession obtained from him and used at the trial was involuntary and in violation of the Federal Constitution. The Nebraska court after an evidentiary hearing denied relief and the Supreme Court of Nebraska affirmed. *State v. Parker*, 180 Neb. 707.

In 1966 respondent filed the present petition for habeas corpus in the federal district, again challenging the voluntariness of the confession. Again a full evidentiary hearing was held and the petition was denied. That was on June 27, 1968. On July 18, 1969, the Court of Appeals reversed, 413 F. 2d 459, saying:

"The interest of justice would not be served by remanding this case for a hearing upon the voluntariness of the confession if the factual background in the present case is such that in event the state

Cites added

o: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
~~Mr. Justice Burton~~
Mr. Justice Marshall

From: Douglas, J.

SUPREME COURT OF THE UNITED STATES

~~circulated:~~

October Term, 1969

~~Recirculated: 1-24~~

MAURICE H. SIGLER, WARDEN, PETITIONER v.
DARREL F. PARKER

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

No. 743. Decided January 26, 1970

MR. JUSTICE DOUGLAS, dissenting.

Respondent was convicted of murder and he was sentenced to life imprisonment on June 2, 1956, nearly 14 years ago. On appeal, his conviction was affirmed. *Parker v. State*, 164 Neb. 614, 83 N. W. 2d 347, and we denied certiorari, 356 U. S. 933.

In 1962 respondent filed a petition for writ of error *coram nobis* in the trial court which was dismissed. The dismissal was affirmed on appeal. *Parker v. State*, 178 Neb. 1, 131 N. W. 2d 678.

In 1963 respondent sought post-conviction relief in the Nebraska court, alleging that the confession obtained from him and used at the trial was involuntary and in violation of the Federal Constitution. The court after an evidentiary hearing denied relief and the Supreme Court of Nebraska affirmed. *State v. Parker*, 180 Neb. 707, 144 N. W. 2d 525.

In 1966 respondent filed the present petition for habeas corpus in the Federal District Court, again challenging the voluntariness of the confession. Again a full evidentiary hearing was held and the petition was denied. That was on June 27, 1968. On July 18, 1969, the Court of Appeals reversed, 413 F. 2d 459, saying:

"The interest of justice would not be served by remanding this case for a hearing upon the voluntariness of the confession if the factual background in the present case is such that in event the state

January 15, 1970

Re: No. 743 - Sigler v. Parker

Dear Byron:

I agree with your per curiam.

Sincerely,

J. M. H.

Mr. Justice White

CC: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 14, 1970

RE: No. 743 - Sigler v. Parker

Dear Byron:

I agree with your Per Curiam in the
above case.

Sincerely,

Bill
W. J. B. Jr.

Mr. Justice White

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

January 14, 1970

No. 743 - Sigler v. Parker

Dear Byron,

I am glad to join the Per Curiam
you have prepared in this case.

Sincerely yours,

P.S.

Mr. Justice White

Copies to the Conference

new

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice Thomas
Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

: White, J.

October Term, 1969

Circulated: 1-14-70

MAURICE H. SIGLER, WARDEN, PETITIONER
DARREL F. PARKER

Recirculated: _____

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

No. 743. Decided January —, 1970

PER CURIAM.

In 1956 respondent was found guilty in a Nebraska court of first degree murder; he was sentenced to life imprisonment. After exhausting his post-conviction remedies under Nebraska law, respondent petitioned the United States District Court for the District of Nebraska for a writ of habeas corpus. After an evidentiary hearing, the District Court dismissed the petition. One of the issues presented to the District Court was the voluntariness of confessions used against respondent at his trial. Relying on the findings of the state court in a 1965 post-conviction proceeding, the District Court concluded that the confessions were voluntarily given and hence admissible. The Court of Appeals for the Eighth Circuit, without reaching the other issues before it, reversed on the ground that respondent's confessions were involuntary. 413 F. 2d 459 (1969). The court first found that the opinion of the Nebraska Supreme Court affirming respondent's conviction indicated that the trial judge had not found the confessions voluntary before admitting them into evidence. The court then found that this violation of the procedural rule of *Jackson v. Denno*, 378 U. S. 368 (1964), had tainted all subsequent findings of voluntariness in the Nebraska courts and in the District Court. Since it seemed "unlikely that either party has any additional substantial evidence on the voluntariness issue," 413 F. 2d, at 463, the Court

*I still attach to my dissenting opinion
Jackson v. Denno, n.s. and change my
dissent from the dissent written in this case.*

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 16, 1970

Re: No. 743 - Sigler v. Parker

Dear Byron:

Please join me in your per curiam.

Sincerely,


T.M.

Mr. Justice White

cc: The Conference