

The Burger Court Opinion Writing Database

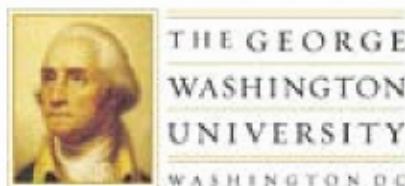
Morales v. New York

396 U.S. 102 (1969)

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

December 2, 1969

Re: No. 86 - Morales v. New York

Dear Byron:

I join your per curiam.

WSB

Mr. Justice White

cc: The Conference

December 1, 1869

Re: No. 36 - Morales v. New York

Dear Byron:

I agree with your per curiam.

Sincerely,

J. M. H.

Mr. Justice Waite

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 3, 1969

RE: No. 86 - Morales v. New York

Dear Byron:

I agree with your Per Curiam in
the above case.

Sincerely,



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

December 2, 1969

No. 86 - Morales v. New York

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

Japan

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

1

From: White, J.

Circulated: 12-1-69

Recirculated:

Melvin Morales, Petitioner, | On Writ of Certiorari to
v. | the Court of Appeals of
State of New York | New York.

[December —, 1969]

PER CURIAM.

On October 4, 1964, a murder by stabbing took place in an elevator of an apartment building where petitioner Morales' mother lived and where Morales frequently visited. On October 13, his mother informed Morales by telephone that the police wished to talk with him; petitioner said that he would come that evening to his mother's place of business. This he did. He was apprehended by police officers and taken to the police station, arriving at 8:30 p. m. Within 15 minutes he had confessed to the crime and by 9:05 p. m. he had written and signed a statement. In response to subsequent questioning by police officers, Morales later repeated the substance of this confession. At the trial, the court held a separate hearing on the voluntariness of the confessions, found them voluntary and admitted them over Morales' objection. Morales was convicted the jury apparently rejecting his alibi defense that he was with his mother at the time of the murder. The Appellate Division of the New York Supreme Court affirmed without opinion. *People v. Morales*, 27 App. Div. 2d 904, 280 N. Y. S. 2d 520 (1967). In the New York Court of Appeals, Morales for the first time raised a Fourth Amendment issue, claiming that there was no probable cause for his detention at the time of his confession and that the confession, even if voluntary, was an inadmissible fruit of the illegal detention. The State asserted that the issue had not been decided below and

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

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SUPREME COURT OF THE UNITED STATES

from: White, J.

No. 86.—OCTOBER TERM, 1969

Circulated:

Melvin Morales, Petitioner, | On Writ of Certiorari Recirculated: 12-3-69
v. | the Court of Appeals of
State of New York | New York.

[December —, 1969]

PER CURIAM.

On October 4, 1964, a murder by stabbing took place in an elevator of an apartment building where petitioner Morales' mother lived and where Morales frequently visited. On October 13, his mother informed Morales by telephone that the police wished to talk with him; petitioner said that he would come that evening to his mother's place of business. This he did. He was apprehended by police officers and taken to the police station, arriving at 8:30 p. m. Within 15 minutes he had confessed to the crime and by 9:05 p. m. he had written and signed a statement. In response to subsequent questioning by police officers, Morales later repeated the substance of this confession. At the trial, the court held a separate hearing on the voluntariness of the confessions, found them voluntary, and admitted them over Morales' objection. Morales was convicted, the jury apparently rejecting his alibi defense that he was with his mother at the time of the murder. The Appellate Division of the New York Supreme Court affirmed without opinion. *People v. Morales*, 27 App. Div. 2d 904, 280 N. Y. S. 2d 520 (1967). In the New York Court of Appeals, Morales for the first time raised a Fourth Amendment issue, claiming that there was no probable cause for his detention at the time of his confession and that the confession, even if voluntary, was an inadmissible fruit of the illegal detention. The State asserted that the issue had not been decided below and that there had hence been no opportunity to make a

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 3, 1969

Re: No. 86 - Morales v. New York

Dear Byron:

Please join me in your per curiam.

Sincerely,


T.M.

Mr. Justice White

cc: The Conference