

# The Burger Court Opinion Writing Database

## *Schneble v. Florida*

405 U.S. 427 (1972)

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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 Marshall  
~~Mr. Justice Black~~

1st DRAFT

# SUPREME COURT OF THE UNITED STATES

October Term, 1970

From: White, J.

DONALD FELIX SCHNEBLE v. FLORIDA

Circulated: 4-12-

ON PETITION FOR WRIT OF CERTIORARI TO THE  
SUPREME COURT OF FLORIDA

Recirculated:

No. 5025. Decided April —, 1971

MR. JUSTICE WHITE, dissenting from the denial of certiorari.

In this case, petitioner Schneble and his codefendant Snell were jointly tried for the murder of one Maxine Collier. Both defendants pleaded not guilty, and neither testified in the presence of the jury. Detective Sergeant Haley testified that Schneble told him that he (Schneble), Snell, and Mrs. Collier had travelled by car together from New Orleans to Florida, that he (Schneble) had left the car and gone for a walk and, upon returning, saw Snell commit the murder. (Tr. 271, 279-280.) Officer Haley also testified that Schneble later changed his story and admitted strangling the victim in the back seat of the car before Snell shot her. (Tr. 280.) FBI Agent Kellogg testified that he had interviewed petitioner's codefendant Snell, and "I asked if he or Mr. Schneble had been alone in this automobile with the barmaid during the course of the trip, and he said they had not." (Tr. 397.) Lieutenant Yates testified that Snell had told him that "Schneble had occupied the rear seat of the automobile and he [Snell] had occupied the driver's area." (Tr. 409.) The jury convicted both men and they were sentenced to death.

The Florida Supreme Court affirmed the convictions and sentence, 201 So. 2d 881 (1967), but we vacated and remanded the case for further consideration in light of our intervening decision in *Bruton v. United States*, 391 U. S. 123 (1968). *Schneble et al. v. Florida*, 392 U. S. 298 (1968).

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

April 13, 1971

Re: No. 5025 - SCHNEBLE v. FLORIDA

Dear Byron:

Please join me in your dissent.

Sincerely,

  
T.M.

Mr. Justice White

cc: The Conference