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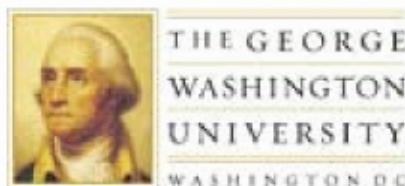
Schneble v. Florida

405 U.S. 427 (1972)

Paul J. Wahlbeck, George Washington University

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1st DRAFT

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

SUPREME COURT OF THE UNITED STATES
October Term, 1970

DONALD FELIX SCHNEBLE *v.* FLORIDA

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

No. 5025. Decided April —, 1971

From: White, J.

Circulated: 4/13-

Recirculated:

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