

The Burger Court Opinion Writing Database

Bostic v. United States

402 U.S. 547 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



*Also joined
by W.B. +
B.K.W.*

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

CHAMBERS OF
JUSTICE JOHN M. HARLAN

May 5, 1971

Re: No. 5250 - Bostic v. United States

Dear Potter:

I agree with your per curiam.

Sincerely,


J. M. H.

Mr. Justice Stewart

CC: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 6, 1971

RE: No. 5250 - Bostic v. United States

Dear Potter:

I agree with the Per Curiam you have
prepared in the above.

Sincerely,

Bill
W.J.B. Jr.

Mr. Justice Stewart

cc: The Conference

L-1
R 74
DP
Also to Justice
Harlan
Blackmun
White
Marshall
Stewart
Rehnquist
Brennan
Douglas
Black
1st DRAFT

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

Please give me

From: Stewart, J.
Circulated: MAY 5 1971
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No. 5250.—OCTOBER TERM, 1970

James Herman Bostic, Petitioner, v. United States.	} On Writ of Certiorari to the United States Court of Ap- peals for the Sixth Circuit.
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[May —, 1971]

PER CURIAM.

We granted the writ of certiorari in this case¹ to consider whether the Court of Appeals for the Sixth Circuit had erred in holding that the petitioner had properly been convicted of conspiracy to commit murder in order to avoid apprehension for the robbery of a federally insured bank. The Court of Appeals purported to uphold a conviction for this offense, though there was no evidence that the petitioner knew of the plan to commit murder, and he had been confined in prison for several months prior to the date the murder was committed.² The memorandum for the United States in opposition to the granting of the writ urged that the petitioner was "responsible for the actions of his coconspirators in killing one member of the group," and as to this issue, relied on the opinion of the Court of Appeals.

¹ 400 U. S. 991.
² 424 F. 2d 951. The opinion recites that the conspiracy count on which the petitioner was convicted "alleged a conspiracy to rob federally insured banks with dangerous weapons and to commit murder to avoid apprehension for same." 424 F. 2d, at 953. The court went on to say, "As to Bostic, although he had been returned to the penitentiary sometime before Ferguson's murder, there is no evidence that he had renounced or withdrawn from the conspiracy." 424 F. 2d, at 964.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 6, 1971

Re: No. 5250 - Bostic v. U.S.

Dear Potter:

Please join me.

Sincerely,

Byron

Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 17, 1971

Re: No. 5250 - Bostic v. United States

Dear Potter:

Please join me in your per curiam.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference

May 6, 1971

Re No. 5250 - Bonnie W. United States

Dear Mr. [unclear]

I have join me in your proposed "er Curiam."

Sincerely,

S.A.B.

Mr. Justice Stewart

cc: The "Performance"