The Burger Court Opinion Writing Database

Roaden v. Kentucky

413 U.S. 496 (1973)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
Forrest Maltzman, George Washington University

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-1134

Harry Roaden, Petitioner, *v.* Commonwealth of Kentucky. | On Writ of Certiorari to the Court of Appeals of Kentucky.

[May —, 1973]

Memorandum to the Conference from MR. CHIEF JUSTICE BURGER.

The question presented in this case is whether the the warrantless seizure of allegedly obscene material contemporaneous with and as an incident to an arrest for public exhibition of such material requires a prior adversary hearing on the obscenity of the seized material.

The Sheriff in Pulaski County, Kentucky, accompanied by the district prosecutor, purchased tickets to a local drive-in theater. There the sheriff observed a film called "Cindy and Donna" in its entirety and concluded it was obscene and in violation of state statutes. A substantial part of the film was also observed by a deputy sheriff from a vantage point on the road outside the theater. Since the petitioner has conceded the obscenity of the film that issue is not before us for decision.[1]

[1] Petitioner's lawyer made the following statment to the trial jury during the closing arguments:

"I would be good enough to tell you at the outset that, in behalf of Mr. Roaden, I am not going to get up here and defend the film observed yesterday nor the revolting scenes in it or try to argue or persuade you that those scene[s] were not obscene."

In light of this concession, we see no need to describe the film further, except to note that it depicts "hard core" sexual conduct in a patently offensive way. See *Miller* v. *California*, — U. S. — (p. 7) (No. 70-73).

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

CHAMBERS OF
THE CHIEF JUSTICE

May 29, 1973

Re: No. 71-1134 - Roaden v. Kentucky

MEMORANDUM TO THE CONFERENCE:

Informal reactions indicate some feeling that, due to First Amendment factors, seizure of a film must always be by warrant, as in Heller v. New York (No. 71-1043).

In no case has the Court ever held that a warrantless seizure incident to a lawful arrest is invalid when the arresting officer witnesses the commission of a crime and Chimel safeguards are met. Indeed, the contrary has been consistently held, although we have never directly considered the problem posed when the criminal conduct is arguably in the First Amendment penumbra. In terms of films being exhibited in commercial theaters there is, of course, no real problem about getting a warrant, but the ease of warrant-getting has never been a test of the requirement.

In Lee Art Theatre v. Virginia, 392 U.S. 636 (1967) there was a seizure under a defective warrant. The seizure was not defended as being incident to an arrest. Since the seizure depended on the warrant, it fell with the warrant.

The illustration of the porno-peddler, selling obscene postcards or pictures at the doorway of a school, seemed to me to place the problem in perspective. I can hardly think anyone would want to hold that a policeman, seeing the obscene pictures exhibited and sold to the children, could not seize the pictures incident to an arrest of the peddler. If the peddler had a companion,

he could hand the pictures to him and, before a warrant could be obtained, the evidence of the crime would be gone. It hardly makes sense to say that the porno-peddler may be arrested, but that his wares may be seized only when a warrant for the porno-pictures is obtained.

Returning to the film problem, is it realistic to say that the manager, projectionist, et al, may be arrested on the spot, but the film that is the basis for the arrest is not to be seized as evidence without a warrant? Can the police, who cart the theater manager and projectionist off to the station for booking, leave an officer to guard the film to prevent removal or destruction? If so, by what authority? Should we indulge in the sophistry that the policeman is guarding the theater and the film against vandals?

Conceivably, but only conceivably, we could "construct" a rule to distinguish between a scheduled and continuing exhibition of a commercial film in a public theater from the surreptitious sale of porno-postcards or pictures, but just how to do this under the First Amendment, I cannot spell out.

The Court has never explicitly held that a purely First Amendment violation, as opposed to a defective warrant, as in Lee Art, triggers the Exclusionary Doctrine. In Roaden, the petitioner never sought return of the film and nothing precluded him from continuing the film's showing pending litigation. Possibly we could hold that seizure of the film without a warrant renders it subject to return on demand, leaving the Government open to making a copy to preserve the evidence of the crime. One value of this seizure-to-copy approach, albeit an artificial one, is that it could apply equally to exhibition of a commercial film and the surreptitious sale of porno-pictures.

I repeat that as a practical matter I would have no problem with a requirement that to seize a commercially scheduled film (unlike the porno-postcards) a warrant is required because it is feasible, but again, it is another thing to say that, because it is feasible and easy, it is constitutionally required.

I am open to suggestions on the Roaden solution and would welcome comments.

Hastily,

WJB

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 1, 6-10

To: Mr. ...

June 4, 1973

2nd DRAFT

Recirculated: JUN 7 1973

SUPREME COURT OF THE UNITED STATES

No. 71-1134

Harry Roaden, Petitioner, *v.* Commonwealth of Kentucky	On Writ of Certiorari to the Court of Appeals of Kentucky.

[May —, 1973]

Memorandum to the Conference from MR. CHIEF JUSTICE BURGER. Assuming *Paris Adult Theatre* (No. 71-1051) and *Miller* (No. 70-73) to be the controlling substantive rules of law when we reach the above case, I propose the disposition that follows.

The question presented in this case is whether the warrantless seizure of allegedly obscene material, contemporaneous with and as an incident to an arrest for the public exhibition of such material, requires a prior adversary hearing on the obscenity of the seized material.

On September 29, 1970, the Sheriff of Pulaski County, Kentucky, accompanied by the district prosecutor, purchased tickets to a local drive-in theater. There the sheriff observed, in its entirety, a film called "Cindy and Donna" and concluded that it was obscene and that its exhibition was in violation of state statutes. A substantial part of the film was also observed by a deputy sheriff from a vantage point on the road outside the theater. Since the petitioner has conceded the obscenity of the film, that issue is not before us for decision.[1]

[1] Petitioner's lawyer made the following statement to the trial jury during the closing arguments:

"I would be good enough to tell you at the outset that, in behalf of Mr. Roaden, I am not going to get up here and defend the film

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

CHAMBERS OF
THE CHIEF JUSTICE

June 12, 1973

Re: No. 71-1134 - Roaden v. Kentucky

Dear Byron:

Thank you for your memorandum of June 12 in the above case.

The three cases you rely on need a close analysis to see whether they really control Roaden.

1. Marcus, 367 U.S. 717 (1961). In this case the result turned on the fact that the warrants were ex parte and were used for total seizure of more than 11,000 books covering 280 different titles. I think we all agree that this was clear prior restraint. Bill Brennan's final, dispositive paragraph begins:

> "Mass seizure in the fashion of this case was effected without any of the safeguards to protect legitimate expression."

This is distinguishable since Roaden does not involve "mass seizure" and we have made clear that on application Roaden could get a copy and keep on "selling his wares" as Marcus could not with all his merchandise seized for confiscation. Roaden did not ask for return of his film or a copy. He was free to get a duplicate and let the show go on.

2. Quantity of Books, 378 U.S. 205 (1964). This case is another seizure for destruction and it was also a "mass seizure"

with 1,751 copies taken on an ex parte warrant. It is a First Amendment case again and turned on the

> ". . . danger of abridgement of the right . . . to unobstructed circulation of non-obscene books." 378 at 213.

Again, Bill Brennan emphasized the "mass seizure" aspect saying:

> ". . . since the warrant here authorized the sheriff to seize all copies of the specified titles . . . the procedure was likewise unconstitutional." 378 at 210.

Quantity is distinguishable because it was a prior restraint by a mass seizure whereas in Roaden the movie could go on the next evening.

3. Lee Art Theatre, 392 U.S. 636. This case is a brief Per Curiam and turns on the defective aspects of the search warrant. It is not a case of a seizure of material incident to an arrest for there was no arrest here.

I repeat that if I were writing a statute I would definitely provide that seizure of a film as obscene, even with the arrest of the exhibitor, would require a warrant obtained on probable cause standards. But no one has yet pointed out the constitutional "handle" to do that here, and no one has distinguished seizure of a porno-postcard being sold, a bag of heroin or a 45 automatic being used.

The only route to get where you suggest is to say that the First Amendment requires that when the total vehicle of expression (i.e., all the books, all the pictures, and all the films, at the place of seizure) are taken, a warrant is required with judicial evaluation of the alleged obscenity, by examination or otherwise, but ex parte as all warrants may be. That result is "sensible" but it has no genuine constitutional logic -- unless, as so often, we "construct" one for it.*

Regards,

WEB

Mr. Justice White

Copies to the Conference

* I am working on such an approach to see if it will "work" [illegible]

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

CHAMBERS OF
THE CHIEF JUSTICE

June 15, 1973

Re: No. 71-1134 - Roaden v. Kentucky

MEMORANDUM TO THE CONFERENCE:

Herewith Roaden revised (in order to enlist Bill Brennan's enthusiastic support!). Since I anticipate eight "concurs" we will set this for Monday, June 25.

Regards,

IDC

H—June 12, 1973

3rd DRAFT

To: Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: The Chief Justice

Circulated: _____

Recirculated: JUN 15 1973

SUPREME COURT OF THE UNITED STATES

No. 71-1134

Harry Roaden, Petitioner, *v.* Commonwealth of Kentucky. | On Writ of Certiorari to the Court of Appeals of Kentucky.

[June —, 1973]

OPINION OF COURT FORM

Memorandum to the Conference from MR. CHIEF JUSTICE BURGER. Assuming *Paris Adult Theatre* (No. 71-1051) and *Miller* (No. 70-73) to be the controlling substantive rules of law when we reach the above case, I propose the disposition that follows:

The question presented in this case is whether the warrantless seizure of allegedly obscene material, contemporaneous with and as an incident to an arrest for the public exhibition of such material, requires a prior adversary hearing on the obscenity of the seized material.

On September 29, 1970, the Sheriff of Pulaski County, Kentucky, accompanied by the district prosecutor, purchased tickets to a local drive-in theater. There the sheriff observed, in its entirety, a film called "Cindy and Donna" and concluded that it was obscene and that its exhibition was in violation of state statutes. A substantial part of the film was also observed by a deputy sheriff from a vantage point on the road outside the theater. Since the petitioner has conceded the obscenity of the film, that issue is not before us for decision.[1]

[1] Petitioner's lawyer made the following statement to the trial jury during the closing arguments:

"I would be good enough to tell you at the outset that, in behalf of Mr. Roaden, I am not going to get up here and defend the film

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 1, 3-4, 6, 10

To: Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

H—June 18, 1973

4th
3rd DRAFT

From: The Chief Justice

Circulated: _____

Recirculated: JUN 19 1973

SUPREME COURT OF THE UNITED STATES

No. 71-1134

Harry Roaden, Petitioner, v. Commonwealth of Kentucky. | On Writ of Certiorari to the Court of Appeals of Kentucky.

[June 21, 1973]

MR. CHIEF JUSTICE BURGER delivered the opinion of of the Court.

The question presented in this case is whether the seizure of allegedly obscene material, contemporaneous with and as an incident to an arrest for the public exhibition of such material in a commercial theatre, may be accomplished without a search warrant.

On September 29, 1970, the Sheriff of Pulaski County, Kentucky, accompanied by the district prosecutor, purchased tickets to a local drive-in theater. There the sheriff observed, in its entirety, a film called "Cindy and Donna" and concluded that it was obscene and that its exhibition was in violation of state statutes. A substantial part of the film was also observed by a deputy sheriff from a vantage point on the road outside the theater. Since the petitioner has conceded the obscenity of the film, that issue is not before us for decision.[1]

The sheriff, at the conclusion of the film, proceeded to the projection booth, where he arrested petitioner, the

[1] Petitioner's lawyer made the following statement to the trial jury during the closing arguments:

"I would be good enough to tell you at the outset that, in behalf of Mr. Roaden, I am not going to get up here and defend the film observed yesterday nor the revolting scenes in it or try to argue or persuade you that those scene[s] were not obscene."

[omission]

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

March 19, 1973

Dear Bill:

Would you add at the end of your per curiam in 71-1134, Roaden v. Kentucky:

Mr. Justice Douglas concurs in the result because the reels of films seized were protected by the First Amendment and therefore as immune from seizure as our most prestigious films, newspapers, and magazines, as stated in his dissent in 70-2, UNITED STATES v. 12 200 FT. REELS, ante p. ___.

William O. Douglas

Mr. Justice Brennan

cc: The Conference

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Brennan, J.

1st DRAFT

Circulated: 3/16/73

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

No. 71-1134

Harry Roaden, Petitioner, *v.* Commonwealth of Kentucky. | On Writ of Certiorari to the Court of Appeals of Kentucky.

[March —, 1973]

Memorandum of MR. JUSTICE BRENNAN.

We granted certiorari to consider the holding of the Court of Appeals of Kentucky that the Constitution does not require an adversary hearing on obscenity prior to the seizure of reels of film, where the seizure is incident to the arrest of the manager of a drive-in movie theatre. 473 S. W. 2d (1971). Our holding today in *Paris Adult Theatre* v. *Slaton,* — U. S. — (1973), makes it clear that the statute under which the prosecution was brought* is unconstitutionally overbroad and therefore invalid on its face. Since the judgment of the Court of Appeals must be vacated and the case remanded for further proceedings, *Miller* v. *California,* — U. S. — (1973), we have no occasion to consider whether, assuming that a prosecution could properly be brought, the seizure of these reels of film was constitutional.

Vacated and remanded.

*Ky. Rev. Stat. § 436.101 (2) provides in part that

"Any person who, having knowledge of the obscenity thereof, sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is punishable by fine of not more than $1,000 . . . or by imprisonment in the county jail for not more than six months . . . ."

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

From: Brennan, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

No. 71-1134

Recirculated: 3/20/73

Harry Roaden, Petitioner, *v.* Commonwealth of Kentucky. | On Writ of Certiorari to the Court of Appeals of Kentucky.

[March —, 1973]

Memorandum of MR. JUSTICE BRENNAN.

We granted certiorari to consider the holding of the Court of Appeals of Kentucky that the Constitution does not require an adversary hearing on obscenity prior to the seizure of reels of film, where the seizure is incident to the arrest of the manager of a drive-in movie theatre. 473 S. W. 2d (1971). Our holding today in *Paris Adult Theatre* v. *Slaton*, — U. S. — (1973), makes it clear that the statute under which the prosecution was brought* is unconstitutionally overbroad and therefore invalid on its face. Since the judgment of the Court of Appeals must be vacated and the case remanded for further proceedings, *Miller* v. *California*, — U. S. — (1973), we have no occasion to consider whether, assuming that a prosecution could properly be brought, the seizure of these reels of film was constitutional.

Vacated and remanded.

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"Any person who, having knowledge of the obscenity thereof, sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is punishable by fine of not more than $1,000 . . . or by imprisonment in the county jail for not more than six months . . . ."

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Brennan, J.

Circulated: _____

Recirculated: 6/6/73

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-1134

Harry Roaden, Petitioner, v. Commonwealth of Kentucky. | On Writ of Certiorari to the Court of Appeals of Kentucky.

[June —, 1973]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

We granted certiorari to consider the holding of the Court of Appeals of Kentucky that the Constitution does not require an adversary hearing on obscenity prior to the seizure of reels of film, where the seizure is incident to the arrest of the manager of a drive-in movie theatre. 473 S. W. 2d (1971). My dissent today in *Paris Adult Theatre* v. *Slaton*, — U. S. — (1973), makes it clear that in my view the statute under which the prosecution was brought* is unconstitutionally overbroad and therefore invalid on its face. I would therefore vacate the judgment of the Court of Appeals and remand the case for further proceedings not inconsistent with my dissenting opinion in *Slaton*. In that circumstance, I have no occasion to consider whether, assuming that a prosecution could properly be brought, the seizure of these reels of film was constitutional.

*Ky. Rev. Stat. § 436.101 (2) provides in part that

"Any person who, having knowledge of the obscenity thereof, sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is punishable by fine of not more than $1,000 . . . or by imprisonment in the county jail for not more than six months . . . ."

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Brennan, J.

Circulated: _____

Recirculated: 6/21/73

3

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-1134

Harry Roaden, Petitioner, v. Commonwealth of Kentucky. | On Writ of Certiorari to the Court of Appeals of Kentucky.

[June —, 1973]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, ~~dissenting~~ concurring in reversal.

We granted certiorari to consider the holding of the Court of Appeals of Kentucky that the Constitution does not require an adversary hearing on obscenity prior to the seizure of reels of film, where the seizure is incident to the arrest of the manager of a drive-in movie theatre. 473 S. W. 2d (1971). ~~My dissent today in *Paris Adult Theatre v. Slaton*, — U. S. — (1973), makes it clear that in my view~~ Cap. In my view, the statute under which the prosecution was brought* is unconstitutionally overbroad and therefore invalid on its face. I would therefore ~~vacate~~ reverse the judgment of the Court of Appeals and remand the case for further proceedings not inconsistent with my dissenting opinion in *Slaton*. ~~In that circumstance, I have no occasion to consider whether, assuming that a prosecution could properly be brought, the seizure of these reels of film was constitutional~~

See my dissent today in Paris Adult Theatre v. Slaton, anic.

*Ky. Rev. Stat. § 436.101 (2) provides in part that

"A . . . person who, having knowledge of the obscenity thereof, sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is punishable by fine of not more than $1,000 . . . or by imprisonment in the county jail for not more than six months . . . ."

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 16, 1973

Re: No. 71-1134 - Roaden v. Kentucky

Dear Chief:

I join your third draft of June 15 in this case.

Sincerely,

Byron

The Chief Justice

Copies to Conference

June 11, 1973

Re: No. 71-1134 - Roaden v. Kentucky

Dear Chief:

I tentatively offer the following comments relative to your recirculation of June 7 in this case:

1. I agree with what I believe is said on page 7, namely, that there is no exclusionary rule with respect to a purely First Amendment violation. The sanction, I feel, is merely the return of the item to the owner, and not its inadmissibility in evidence.

2. One possible means of disposing of Roaden is a simple affirmance on the ground that all that the petitioner sought was exclusion of the film from evidence, pursuant to a motion to suppress, because of a First Amendment (not a Fourth Amendment) violation. With no First Amendment exclusionary sanction, that could be the end of this case, but, of course, not of the ultimate issue.

3. The case of Lee Art Theatre v. Virginia, 392 U.S. 636, gives me some concern. The seizure there fell with the defective warrant. The Court, however, did not consider whether, despite the invalidity of the warrant, the seizure could have been sustained as a valid seizure incident to an arrest. The point, of course, may not have been pressed, but its absence, I think, is not without significance. One could argue that your proposed disposition of the present case cuts back on Lee Art Theatre.

4. The Court many times has stressed that under the Fourth Amendment the warrant is the rule and its proper absence is the exception. One could argue with great force, it seems to me, that in a situation where there is no showing of a reasonable possibility of imminent flight and no showing of reasonable grounds for believing the film would be removed, destroyed or altered, a warrantless seizure of the film would be unconstitutional. The situation would be otherwise where there are reasonable grounds for believing that flight is imminent or that the film would be removed, destroyed or altered. One might, therefore, argue that we should conclude that this case be remanded for the development of the facts along these lines.

I suspect that unless something of this kind is adopted, there will be no motivation for police ever to obtain a warrant for a motion picture film, and seizures in the future will become warrantless.

What do you think?

Sincerely,

H. A. B.

The Chief Justice

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 18, 1973

Re: No. 71-1134 - Roaden v. Kentucky

Dear Chief:

Please join me in your recirculation of June 15.

Sincerely,

H.A.B.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 18, 1973

No. 71-1134 Roaden v. Kentucky

Dear Chief:

Please join me in your draft opinion of June 15.

Sincerely,

L. Lewis

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 6, 1973

Re: No. 71-1134 - Roaden v. Kentucky

Dear Chief:

Please join me.

Sincerely,

The Chief Justice

Copies to the Conference

June 15, 1973

Re: No. 71-1134 - Roaden v. Kentucky

Dear Chief:

When I looked over the typewritten revisions of the latter part of the opinion earlier this afternoon, I did not have in mind a text of the printed paragraph with which the opinion commences. As you will recall, the question phrased at the outset is this:

> "The question presented in this case is whether the warrantless seizure of allegedly obscene material, contemporaneous with and as an incident to an arrest for the public exhibition of such material, requires a prior adversary hearing on the obscenity of the seized material."

Written as you had originally drafted Roaden, this question was obviously appropriate, since your conclusion was in the negative. Now, however, I wonder, if, in light of the footnote which you inserted at page 9 of the typed revision (footnote 6), indicating that an adversary proceeding is not required, although a warrant is, whether the question in the first paragraph should not be rephrased to read something like this:

> "The question presented in this case is whether the seizure of allegedly obscene material, contemporaneous with and as an incident to an arrest for the public exhibition of such material, may be accomplished without a search warrant."

Sincerely,

WHR

The Chief Justice

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 18, 1973

Re: No. 71-1134 - Roaden v. Kentucky

Dear Chief:

Assuming that you are making the stylistic change which was mentioned in Conference this morning, please join me in your draft opinion of June 15.

Sincerely,

The Chief Justice

Copies to the Conference