

The Burger Court Opinion Writing Database

Ring v. United States

419 U.S. 18 (1974)

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



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

CHAMBERS OF
THE CHIEF JUSTICE

November 7, 1974

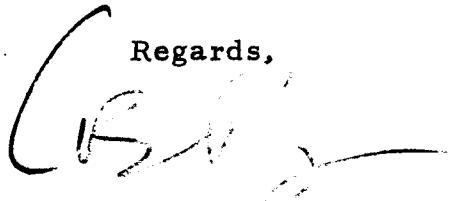
Re: 73-6969 - Ring v. U. S.

Dear Byron:

I have re-examined this case in light of your dissent. I conclude that the USDA was probably playing games with words, i. e., he had not "dropped" but had agreed to drop the other counts.

I join your remand to flush out any possible "hanky-panky" or error by the D. A.

Regards,



Mr. Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

October 31, 1974

your dissent

9

Dear Byron:

Please join me in your dissent
in KING v. UNITED STATES, No. 73-6969.

WILLIAM O. DOUGLAS

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

November 6, 1974

Dear Byron:

I agree with the per curiam
you have prepared in 73-6969, RING v.
UNITED STATES.

WD

WILLIAM O. DOUGLAS

Mr. Justice White

cc: The Conference

6
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

October 30, 1974

RE: No. 73-6969 Ring v. United States

Dear Byron:

Please join me in your dissenting
opinion in the above.

Sincerely,

Bril

Mr. Justice White

cc: The Conference

W. J. Douglas
Oct. 30, 1974

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

Washington, D. C. 20543

November 6, 1974

RE: No. 73-6969 Ring v. United States

Dear Byron:

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

Sincerely,

Bril

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

October 30, 1974

Re: No. 73-6969, Ring v. United States

Dear Byron,

Please add my name to your dissenting opinion
in this case.

Sincerely yours,

P.S.

Mr. Justice White

Copies to the Conference

W.W. Douglas
Oct 30

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

CHAMBERS OF
JUSTICE POTTER STEWART

November 6, 1974

Re: No. 73-6969, Ring v. United States

Dear Byron,

I agree with the per curiam you have circulated
in this case.

Sincerely yours,

P.S.

Mr. Justice White

Copies to the Conference

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: White, J.

Circulated: 10-30-74

ROSS DOUGLAS RING v. UNITED STATES

Recirculated: _____

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 73-6969 Decided November —, 1974

MR. JUSTICE WHITE, dissenting.

Petitioner was convicted on one count of conspiracy to import a Schedule II controlled substance, cocaine, in violation of 21 U. S. C. § 841(a)(1) and 21 U. S. C. § 952(a). At trial, the chief government witness against petitioner, Michele Rubio, testified that she and petitioner had flown together from Miami, Florida, to Barranquilla, Colombia, where the cocaine was picked up. Petitioner and Rubio reentered this country at the Miami airport where inspection of Rubio revealed four and one-half pounds of cocaine strapped to her body in plastic bags. Most of the Government's case against Rubio consisted of Rubio's own account of the South American trip and the testimony of customs agents with respect to statements made by Rubio implicating petitioner in the conspiracy.

Rubio was indicted on three counts related to the cocaine and, at the time of petitioner's trial, had pled guilty to one count of that indictment. On direct examination by the Assistant United States Attorney, Rubio acknowledged her guilty plea to the conspiracy count of the indictment, the following taking place:

"Q. Were you later indicted for bringing in four and a half pounds of cocaine?"

"A. Yes, I was."

"Q. Have you entered a plea?"

"A. Yes, I have."

"Q. To what, specifically?"

"A. To conspiracy."

Wm. Dargle
10-30-74

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

November 6, 1974

MEMORANDUM TO THE CONFERENCE

Re: No. 73-6969 - Ring v. United States

Six members of the Court, including me, having agreed to the dissent from denial of certiorari, perhaps the case could be remanded in accordance with the attached per curiam.


B.R.W.

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

1st DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES

dated: 11-6-74

ROSS DOUGLAS RING *v.* UNITED STATES

Recirculated: _____

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 73-6969. Decided November --, 1974

PER CURIAM.

Petitioner was convicted on one count of conspiracy to import cocaine in violation of 21 U. S. C. § 841 (a)(1) and 21 U. S. C. § 952 (a). At trial, the Government's chief witness against petitioner testified on direct examination by the Assistant United States Attorney that no promises had been made to her with respect to three counts of an indictment that had been returned against her involving the same events for which petitioner stands convicted. At the time this witness testified, she had pled guilty to one count of that indictment, a fact which she acknowledged. On cross-examination, she repeated her statement to the effect that no promises had been made to her. During summation, petitioner's counsel inferred that the two other counts against the witness had been dropped in return for her cooperation and testimony in petitioner's case. The Assistant United States Attorney, in her summation, stated categorically that the two other counts had not in fact been dropped. The Court of Appeals affirmed the conviction.

As the case comes to this Court, the Solicitor General states that the records of the United States Attorney in whose district the case was tried indicate that the same Assistant United States Attorney who tried the case had entered into an agreement with the witness whereby the Government had agreed to drop two counts of the indictment in return for a guilty plea on a third count. The witness had entered a guilty plea about one month prior

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J. 1

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

2nd DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

ROSS DOUGLAS RING *v.* UNITED STATES Circulated: 11-7-74

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 73-6969. Decided November —, 1974

PER CURIAM.

Petitioner was convicted on one count of conspiracy to import cocaine in violation of 21 U. S. C. § 841 (a)(1) and 21 U. S. C. § 952 (a). At trial, the Government's chief witness against petitioner testified on direct examination by the Assistant United States Attorney that no promises had been made to her with respect to three counts of an indictment that had been returned against her involving the same events for which petitioner stands convicted. At the time this witness testified, she had pled guilty to one count of that indictment, a fact which she acknowledged. On cross-examination, she repeated her statement to the effect that no promises had been made to her. During summation, petitioner's counsel indicated that the two other counts against the witness had been dropped in return for her cooperation and testimony in petitioner's case. The Assistant United States Attorney, in her summation, stated categorically that the two other counts had not in fact been dropped. The Court of Appeals affirmed the conviction.

As the case comes to this Court, the Solicitor General states that the records of the United States Attorney in whose district the case was tried indicate that the same Assistant United States Attorney who tried the case had entered into an agreement with the witness whereby the Government had agreed to drop two counts of the indictment in return for a guilty plea on a third count. The witness had entered a guilty plea about one month prior

S

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

October 30, 1974

Re: No. 73-6969--Ross Douglas Ring v. United States

Dear Byron:

Please join me in your dissent in this case.

Sincerely,

T. M.

T. M.

Mr. Justice White

cc: The Conference

*Wm. Douglas
Oct 74*

S
CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

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

November 6, 1974

Re: No. 73-6969 - Ring v. United States

Dear Byron:

The Per Curiam you have prepared for this case
has my approval.

Sincerely,

Harry

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUDGE LEWIS F. POWELL, JR.

October 31, 1974

No. 73-6969 Ring v. United States

Dear Byron:

Please join me in your dissent.

Sincerely,

Lewis

Mr. Justice White

1fp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

November 6, 1974

No. 73-6969 - Ring v. United States

Dear Byron:

I agree with your Per Curiam.

Sincerely,



Mr. Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

November 8, 1974

Re: No. 73-6969 - Ring v. United States

Dear Byron:

I would have preferred to deny this petition, but
since it has now been granted, I join your per curiam.

Sincerely,

WRW

Mr. Justice White

Copies to the Conference