

The Burger Court Opinion Writing Database

Pitchess v. Davis

421 U.S. 482 (1975)

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

May 15, 1975

Re: 74-1128 - Pitchess v. Davis

Dear Bill:

Please join me in your per curiam.

Regards,



Mr. Justice Rehnquist

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Sanford, California 94355-6010



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Supreme Court of the United States
Washington, D. C. 20542

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

R
h
May 15, 1975

RE: No. 74-1128 Pitchess v. Davis

Dear Bill:

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

Sincerely,

Wil

Mr. Justice Rehnquist

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 13, 1975

No. 74-1128 - Pitchess v. Davis

Dear Bill,

I agree with the Per Curiam you have circulated in this case.

Sincerely yours,

Mr. Justice Rehnquist

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ON WAR, REVOLUTION AND PEACE

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

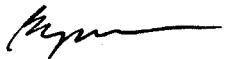
May 14, 1975

Re: No. 74-1128 - Pitchess v. Davis

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

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JUSTICE HARRY A. BLACKMUN

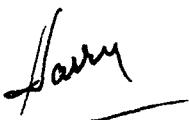
May 15, 1975

Re: No. 74-1128 - Pitchess v. Davis

Dear Bill:

Please join me in your proposed per curiam.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 15, 1975

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No. 74-1128 Pitchess v. Davis

Dear Bill:

Please join me in your Per Curiam.

Sincerely,

Lewis

Mr. Justice Rehnquist

lfp/ss

cc: The Conference



Mr. Justice Black
Mr. Justice Blackmun
Mr. Justice Brennan
Mr. Justice Chisolm
Mr. Justice Clark
Mr. Justice Douglas
Mr. Justice Fortas
Mr. Justice Harlan
Mr. Justice Justice Stewart
Mr. Justice Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell

From: Rehnquist, J. ✓

Circulated: 5-13-75

1st DRAFT

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

PETER J. PITCHESS, SHERIFF OF LOS ANGELES
COUNTY v. CHALRES EDWARD DAVIS

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

No. 74-1128. Decided April —, 1975

PER CURIAM.

Respondent Davis was convicted in 1967 in the Superior Court of Los Angeles County of rape, kidnapping, and oral copulation; he was sentenced to state prison. On direct appeal in the California courts, respondent argued, *inter alia*, that the failure of the state prosecutor in his case to turn over to him an exculpatory laboratory report, despite his request for all material reports, violated his Fourteenth Amendment right to a fair trial under our decision in *Brady v. Maryland*, 373 U. S. 83 (1963). The laboratory report stated that scientific tests by police officials failed to reveal the presence of sperm on either vaginal smear slides taken from the victim after the rape or clothing worn by the victim at the time of the rape. State courts rejected this contention on direct appeal.

Respondent twice unsuccessfully pursued this contention in petitions for habeas corpus filed under 28 U. S. C. § 2254 in the United States District Court for the Central District of California. In 1972 a third habeas corpus petition in that court proved more successful, and the District Court ruled that the failure of the prosecutor to supply respondent with the laboratory report denied him a fair trial under *Brady, supra*. The court issued a conditional writ of habeas corpus which provided that habeas corpus would issue, compelling the petitioner to release respondent from custody, unless California provided respondent with the laboratory report and moved

P.4

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

From: Rehnquist, J.

Circulated: MAY 15 1975

2nd DRAFT

Recirculated: MAY 16 1975

SUPREME COURT OF THE UNITED STATES

PETER J. PITCHESS, SHERIFF OF LOS ANGELES
COUNTY v. CHARLES EDWARD DAVIS

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

No. 74-1128. Decided April —, 1975

PER CURIAM.

Respondent Davis was convicted in 1967 in the Superior Court of Los Angeles County of rape, kidnapping, and oral copulation; he was sentenced to state prison. On direct appeal in the California courts, respondent argued, *inter alia*, that the failure of the state prosecutor in his case to turn over to him an exculpatory laboratory report, despite his request for all material reports, violated his Fourteenth Amendment right to a fair trial under our decision in *Brady v. Maryland*, 373 U. S. 83 (1963). The laboratory report stated that scientific tests by police officials failed to reveal the presence of sperm on either vaginal smear slides taken from the victim after the rape or clothing worn by the victim at the time of the rape. State courts rejected this contention on direct appeal.

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