

The Burger Court Opinion Writing Database

Stone v. Powell

428 U.S. 465 (1976)

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
JUSTICE POTTER STEWART

June 24, 1975

Re: No. 74-1222, Wolff v. Rice

Dear Bill,

I suggest that the question to be addressed to the parties in this case be revised along the following lines:

"Whether the constitutional validity of the entry and search of respondent's premises by Omaha police officers under the circumstances of this case is a question properly cognizable under 28 U. S. C. §2254."

Sincerely yours,

P.S.
/

Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 24, 1975

No. 74-1222, Wolff v. Rice

Dear Bill:

I agree with Potter's formulation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lewis".

Mr. Justice Rehnquist

lfp/ss

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

File
Sally + Gail
We granted these
cases.

June 24, 1975

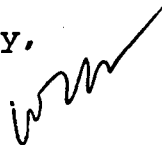
MEMORANDUM TO THE CONFERENCE

Re: No. 74-1222 - Wolff v. Rice. Heretofore
Held for No. 73-200 - United States v. Peltier

The substitute question for that set forth in page 6 of my Hold memorandum, which I understand to have been agreed to by the four of us present at Conference this morning who voted to grant Wolff, is the following:

"Whether the entry of respondent's premises by Omaha police officers under the circumstances of this case constituted an unlawful search of his premises properly cognizable under 28 U.S.C. § 2254."

Sincerely,



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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 25, 1975

Re: No. 74-1222 - Wolff v. Rice

Dear Potter:

Your reformulation of the question to be addressed to the parties in the above entitled case, as stated in your letter of June 24th, is agreeable to me.

Sincerely,



Mr. Justice Stewart

Copies to the Conference