

The Burger Court Opinion Writing Database

Proffitt v. Florida

428 U.S. 242 (1976)

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



TO: The Chief Justice

Mr. Justice Brandeis

Mr. Justice Cardozo

Mr. Justice Clark

Mr. Justice Douglas

Mr. Justice Harlan

Mr. Justice Marshall

Mr. Justice Stewart

From: Mr. Justice Stewart

Circulated: JUN 8 1975

Recirculated: _____

NO. 75-5706, PROFFITT v. FLORIDA

MR. JUSTICE STEWART, MR. JUSTICE POWELL,
and MR. JUSTICE STEVENS:

The issue presented by this case is whether the imposition of the sentence of death for the crime of murder under the law of Florida violates the Eighth and Fourteenth Amendments.

I

The petitioner, Charles William Proffitt, was tried, found guilty and sentenced to death for the first degree murder by stabbing of Joel Medgebow. The circumstances surrounding the murder itself were testified to by the decedent's wife, who was present at the time of the murder. ^{1/} Mrs. Medgebow awakened around 5:00 a.m. to find her husband sitting up in bed, moaning. Just then a third person jumped up, hit her several times, knocked her to the floor, and then ran out of the house. Mrs. Medgebow was not able to identify the attacker, although she was able to give a description of his clothing. ^{2/}

To: The
Mr.
Mr.
Mr.
Mr.
Mr.
Mr.
Mr.

STATES

From:

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-5706

Charles William Proffitt,
Petitioner,
v.
State of Florida.

On Writ of Certiorari to the
Supreme Court of Florida.

JEP - 107c

[July 2, 1976]

Opinion of MR. JUSTICE STEWART, MR. JUSTICE POWELL,
and MR. JUSTICE STEVENS announcing the judgment of
the Court, delivered by MR. JUSTICE POWELL.

The issue presented by this case is whether the imposition of the sentence of death for the crime of murder under the law of Florida violates the Eighth and Fourteenth Amendments.

I

The petitioner, Charles William Proffitt, was tried, found guilty, and sentenced to death for the first-degree murder of Joel Medgebow. The circumstances surrounding the murder were testified to by the decedent's wife, who was present at the time it was committed. On July 10, 1973, Mrs. Medgebow awakened around 5 a. m. in the bedroom of her apartment to find her husband sitting up in bed, moaning. He was holding what she took to be a ruler.¹ Just then a third person jumped up, hit her several times with his fist, knocked her to the floor, and ran out of the house. It soon appeared that Medgebow had been fatally stabbed with a butcher knife. Mrs. Medgebow was not able to identify the at-

¹It appears that the "ruler" was actually the murder weapon which Medgebow had pulled from his own chest.

V
No. 75-5706 — Proffitt v. Florida

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

From: Mr. Justice White

Circulated: 6-17-76

Recirculated: _____

MR. JUSTICE WHITE, concurring.

There is no need to repeat the Court's statement of the facts of this case and of the statutory procedure under which the death penalty was imposed. I also agree with the majority, see part 2(a) and (b), ante, at ___, that although the statutory aggravating and mitigating circumstances are not susceptible to mechanical application they are by no means so vague and overbroad as to leave the discretion of the sentencing authority unfettered. Under Florida law, the sentencing judge is required to impose the death penalty on all first-degree murderers as to whom the statutory aggravating factors outweigh the mitigating factors. There is good reason

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

Printed
 1st DRAFT

From: Mr. Justice White

SUPREME COURT OF THE UNITED STATES

Circulated: _____

No. 75-5706

Recirculated: 6-30-76

Charles William Proffitt,
 Petitioner,
 v.
 State of Florida. } On Writ of Certiorari to the
 Supreme Court of Florida.

[June —, 1976]

MR. JUSTICE WHITE, with whom THE CHIEF JUSTICE
 and MR. JUSTICE REHNQUIST join, concurring in the
 judgment.

There is no need to repeat the statement of the facts
 of this case and of the statutory procedure under which
 the death penalty was imposed, both of which are de-
 scribed in detail in the opinion of MR. JUSTICE STEWART,
 MR. JUSTICE POWELL, and MR. JUSTICE STEVENS (here-
 inafter the plurality). I agree with the plurality, see
 Part 2 (a) and (b), *ante*, at —, that although the stat-
 utory aggravating and mitigating circumstances are not
 susceptible to mechanical application they are by no
 means so vague and overbroad as to leave the discretion
 of the sentencing authority unfettered. Under Florida
 law, the sentencing judge is *required* to impose the death
 penalty on all first-degree murderers as to whom the
 statutory aggravating factors outweigh the mitigating
 factors. There is good reason to anticipate, then, that
 as to certain categories of murderers, the penalty will not
 be imposed freakishly or rarely but will be imposed with
 regularity; and consequently it cannot be said that the
 death penalty in Florida as to those categories has
 ceased "to be a credible deterrent or measurably to con-
 tribute to any other end of punishment in the criminal
 justice system." *Furman v. Georgia*, 408 U. S., at 311

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: Mr. Justice Blackmun

Circulated: 6/29/76

Recirculated: _____

No. 75-5706 - Proffitt v. Florida

MR. JUSTICE BLACKMUN, concurring.

I concur in the result. See Furman v. Georgia, 408 U.S.

238, 405-414 (1972) (Blackmun, J., dissenting), and id., at 375,

414 and 465.

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: Mr. Justice Blackmun

Circulated: _____

Recirculated: 6/30/76

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-5706

Charles William Proffitt,	} On Writ of Certiorari to the
Petitioner,	
v.	
State of Florida.	Supreme Court of Florida.

[June —, 1976]

MR. JUSTICE BLACKMUN, concurring.

I concur in the result. See *Furman v. Georgia*, 408 U. S. 238, 405-414 (1972) (BLACKMUN, J., dissenting), and *id.*, at 375, 414, and 465.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 29, 1976

Re: No. 75-5706 - Proffitt v. Florida

Dear Byron:

Please join me in your concurring opinion.

Sincerely,

WW

Mr. Justice White

Copies to the Conference