

# The Burger Court Opinion Writing Database

## *Ohio v. Roberts*

448 U.S. 56 (1980)

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

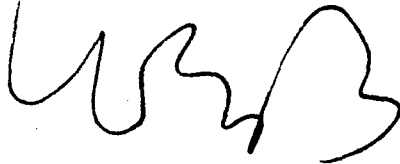
March 28, 1979

MEMORANDUM TO THE CONFERENCE:

Re: 78-756 Ohio v. Roberts

Attached is a Wang draft of a <sup>suggested</sup> Per Curiam reversing  
this case and remanding it to the Ohio Supreme Court.

Regards,

A handwritten signature in dark ink, appearing to be 'WJB' or similar, written in a cursive style.

✓  
CSY, Ohio v. Roberts

AM.

Respondent Roberts was convicted of (1) possession of (2) receiving stolen property, and (3) forgery. He was arrested after he tried to pay for a diamond pendant with a check purportedly signed by Bernard Isaacs. When the police searched respondent they found a checkbook and a silver chalice both of which Mr. Isaacs later identified as his. Respondent told the police that his girl friend, who was waiting for him in the mall parking lot, could explain his use of the check. Although the police drove around the parking lot with respondent, they were unable to find the girl friend or her car. The police then took respondent to the police station.

Later, the police returned to the mall and went to respondent's car. On the driver's seat they saw a wallet, credit cards, and other papers belonging to Mr. and Mrs. Bernard Isaacs; the wallet was found to contain heroin. The car was towed to the police station and searched, under authority of a warrant. In the trunk of the car were silver articles that had been stolen from the Issacs' home four days earlier.

At a preliminary hearing respondent Roberts called as his witness the daughter of the Isaacs, Anita, who denied having

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

March 29, 1979

RE: No. 78-756 Ohio v. Roberts

Dear Chief:

I would still vote to deny cert in this case.

Sincerely,

*Stil*

The Chief Justice

cc: The Conference

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

POWELL, JR.

March 30, 1979

No. 78-756 Ohio v. Roberts

Dear Chief:

I agree with your Per Curiam.

Sincerely,

*Lewis*

The Chief Justice

Copies to the Conference

LFP/lab

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

April 6, 1979

Re: No. 78-756 - Ohio v. Roberts

Dear Chief:

Please join me in your proposed per curiam summarily reversing the judgment of the Supreme Court of Ohio. In the event that the per curiam does not attract the necessary number of votes to make it an opinion of this Court, I shall vote to grant certiorari and give the case plenary ~~considera-~~tion, since my views on the confrontation clause roughly parallel those expressed by John Harlan in his opinion concurring in the result in Dutton v. Evans, 400 U.S. 74, 93 (1970).

Sincerely,



*Chief Justice*

The Chief Justice

Copies to the Conference