

The Burger Court Opinion Writing Database

Patrick v. Georgia

449 U.S. 988 (1980)

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



79-6745

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

CHAMBERS OF
THE CHIEF JUSTICE

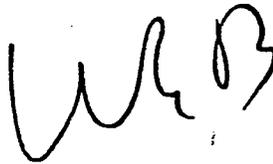
November 14, 1980

Dear John:

RE: 79-6475 - Patrick v. Georgia
~~80-5010~~ - Hardy v. Georgia
80-5266 - Thomas v. Georgia

Please show me as dissenting.

Regards,



Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

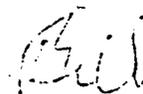
November 13, 1980

RE: No. 79-6475 Patrick v. Georgia
No. ~~80-5010~~ Hardy v. Georgia
No. 80-5266 Thomas v. Georgia

Dear John:

I am willing to join your proposed order in
the above.

Sincerely,



Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

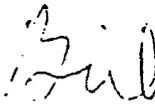
November 13, 1980

RE: Nos. 79-6475 Patrick v. Georgia
~~80-5010 Hardy v. Georgia~~
80-5266 Thomas v. Georgia

Dear John:

I agree.

Sincerely,



Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

November 13, 1980

Re: 79-6475 - Patrick v. Georgia
~~80-5010 - Hardy v. Georgia~~
80-5266 - Thomas v. Georgia

Dear John,

I agree with the order you propose
disposing of the above cases.

Sincerely yours,

Mr. Justice Stevens

P.S.

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

November 13, 1980

Re: 79-6745 - Patrick v. Georgia
80-5010 - Hardy v. Georgia
80-5266 - Thomas v. Georgia

Dear John,

I agree with your order.

Sincerely yours,



Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

November 13, 1980

Re: 79-6475 - Patrick v. Georgia
80-5010 - Hardy v. Georgia
80-5266 - Thomas v. Georgia

Dear John:

I agree with your proposed order.

Sincerely,

JM

T.M.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

November 13, 1980

79-6475 Patrick v. Georgia
80-5010 Hardy v. Georgia
80-5266 Thomas v. Georgia

Dear John:

Please note that I also dissent.

Sincerely,

Lewis

Mr. Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

November 13, 1980

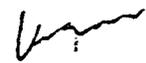
Re: 79-6475 Patrick v. Georgia
~~80-5010 Hardy v. Georgia~~
80-5266 Thomas v. Georgia

Dear John:

If your proposed order in these cases is entered,
would you add at the end of it:

"Mr. Justice Rehnquist dissents."

Sincerely,



Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

November 12, 1980

Re: 79-6475 - Patrick v. Georgia
 80-5010 - Hardy v. Georgia
80-5266 - Thomas v. Georgia

Dear Bill and Thurgood:

In these three cases, there are five votes to vacate the death sentence. Potter, Byron, and I would vacate and remand for consideration in light of Godfrey v. Georgia, and you take your usual position that the death penalty is unconstitutional. Because the effect of this vote is to remand the cases to the Georgia Supreme Court, I propose the following order:

"The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated insofar as they leave undisturbed the death penalties imposed and the cases are remanded to the Supreme Court of Georgia for further consideration in light of Godfrey v. Georgia, 446 U.S. ____ (1980)."

This is the order that we entered last spring in remanding cases for consideration in light of Godfrey. See 48 U.S.L.W. 3767. We entered a similar order remanding cases for consideration in light of Lockett v. Ohio. See 438 U.S. 909-910. Thus I do not think it would be inappropriate or inconsistent with prior practice if you were to join in the orders remanding cases to the Georgia Supreme Court without expressing

your view as to the unconstitutionality of the death
penalty.

Respectfully,



Mr. Justice Brennan
Mr. Justice Marshall

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

~~JPS
11/13/80
JPS~~

November 13, 1980

MEMORANDUM TO THE CONFERENCE

Re: 79-6475 - Patrick v. Georgia
80-5010 - Hardy v. Georgia
80-5266 - Thomas v. Georgia

I propose the following order in the above
cases:

"The motions of petitioners for leave to proceed in forma pauperis and the petitions for writs of certiorari are granted. The judgments are vacated insofar as they leave undisturbed the death penalties imposed and the cases are remanded to the Supreme Court of Georgia for further consideration in light of Godfrey v. Georgia, 446 U.S. ____ (1980)."

Respectfully,

Jh