

# The Burger Court Opinion Writing Database

## *Lane v. Williams*

455 U.S. 624 (1982)

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

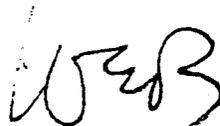
February 22, 1982

Re: No. 80-1240 - Lane v. Williams

Dear John:

I join.

Regards,



Justice Stevens

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

December 14, 1981

RE: No. 80-1240 Lane v. Williams

Dear Thurgood and Harry:

We three are in dissent in the above. Would you,  
Thurgood, mind taking on the dissent?

Sincerely,



Justice Marshall

Justice Blackmun

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

February 8, 1982.

No. 80-1240 -- Lane v. Williams.

Dear John,

I will await the dissent.

Sincerely,

  
W.J.B., Jr.

Justice Stevens.

Copies to the Conference.

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

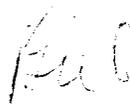
March 17, 1982

RE: No. 80-1240 Lane v. Williams, et al.

Dear Thurgood:

Please join me.

Sincerely,



Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 8, 1982

Re: 80-1240 - Lane v.  
Williams & Southall

Dear John,

I agree,

Sincerely yours,



Justice Stevens

Copies to the Conference

cpm

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

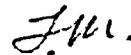
February 8, 1982

Re: No. 80-1240 - Lane v. Williams and Southall

Dear John:

I hope to circulate a dissent in the  
near future.

Sincerely,



T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

February 18, 1982

Re: No. 80-1240 - Lane v. Williams

Dear John:

My dissent in this case will be delayed because I am waiting to obtain the parties' briefs on mootness, which were submitted to the Court of Appeals on the State's first appeal. These briefs contain the only discussion by the parties on the apparently dispositive issue in this case. For this reason, and because I am uncomfortable discussing whether any collateral consequences attach to a parole violation under state law without at least considering the State's position on this issue, I think that obtaining these views may be well worth the wait.

Sincerely,



T.M.

Justice Stevens

cc: The Conference

MAR 1 8 1982

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1240

MICHAEL P. LANE, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, PETITIONER, *v.* LAWRENCE WILLIAMS AND OSCAR SOUTHALL

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

[March —, 1982]

JUSTICE MARSHALL, dissenting.

The majority announces today that this case is moot because, in its view, no collateral consequences flow from respondents' parole revocations, which were based on findings that respondents had violated the conditions of parole terms declared void by the courts below. I dissent from this holding because I believe it is contrary to this Court's precedents and because it ignores the fact that the State of Illinois does attach collateral consequences to parole revocations, a fact recognized both in the State's brief to the Court of Appeals on the issue of mootness and in state court decisions in analogous cases.

I

The majority recognizes that in habeas corpus challenges to criminal convictions, the case "is moot only if it is shown that there is no possibility that any collateral legal consequences will be imposed on the basis of the challenged conviction." *Sibron v. New York*, 392 U. S. 40, 57 (1968). This Court has consistently refused to canvass state law to ascertain "the actual existence of specific collateral consequences," and has presumed that such consequences exist. *Id.*, at 55 (discussing *United States v. Morgan*, 346 U. S. 502 (1954),

STYLISTIC CHANGES THROUGHOUT.

MAR 18 1982

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1240

MICHAEL P. LANE, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, PETITIONER, *v.* LAWRENCE WILLIAMS AND OSCAR SOUTHALL

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

[March —, 1982]

JUSTICE MARSHALL, with whom JUSTICE BRENNAN joins, dissenting.

The majority announces today that this case is moot because, in its view, no collateral consequences flow from respondents' parole revocations, which were based on findings that respondents had violated the conditions of parole terms declared void by the courts below. I dissent from this holding because I believe it is contrary to this Court's precedents and because it ignores the fact that the State of Illinois does attach collateral consequences to parole revocations, a fact recognized both in the State's brief to the Court of Appeals on the issue of mootness and in state court decisions in analogous cases.

I

The majority recognizes that in habeas corpus challenges to criminal convictions, the case "is moot only if it is shown that there is no possibility that any collateral legal consequences will be imposed on the basis of the challenged conviction." *Sibron v. New York*, 392 U. S. 40, 57 (1968). This Court has consistently refused to canvass state law to ascertain "the actual existence of specific collateral consequences," and has presumed that such consequences exist. *Id.*, at 55

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

PP. 1, 4

MAR 19 1982

3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1240

MICHAEL P. LANE, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, PETITIONER, *v.* LAWRENCE WILLIAMS AND OSCAR SOUTHALL

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

[March —, 1982]

JUSTICE MARSHALL, with whom JUSTICE BRENNAN and JUSTICE BLACKMUN join, dissenting.

The majority announces today that this case is moot because, in its view, no collateral consequences flow from respondents' parole revocations, which were based on findings that respondents had violated the conditions of parole terms declared void by the courts below. I dissent from this holding because I believe it is contrary to this Court's precedents and because it ignores the fact that the State of Illinois does attach collateral consequences to parole revocations, a fact recognized both in the State's brief to the Court of Appeals on the issue of mootness and in state court decisions in analogous cases.

I

The majority recognizes that in habeas corpus challenges to criminal convictions, the case "is moot only if it is shown that there is no possibility that any collateral legal consequences will be imposed on the basis of the challenged conviction." *Sibron v. New York*, 392 U. S. 40, 57 (1968). This Court has consistently refused to canvass state law to ascertain "the actual existence of specific collateral consequences," and has presumed that such consequences exist. *Id.*, at 55

# SUPREME COURT OF THE UNITED STATES

No. 80-1240

MICHAEL P. LANE, DIRECTOR, ILLINOIS  
DEPARTMENT OF CORRECTIONS, PETITIONER, *v.*  
LAWRENCE WILLIAMS AND OSCAR SOUTHALL

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

[March 23, 1982]

JUSTICE MARSHALL, with whom JUSTICE BRENNAN and  
JUSTICE BLACKMUN join, dissenting.

The majority announces today that this case is moot because, in its view, no collateral consequences flow from respondents' parole revocations, which were based on findings that respondents had violated the conditions of parole terms declared void by the courts below. I dissent from this holding because I believe it is contrary to this Court's precedents and because it ignores the fact that the State of Illinois does attach collateral consequences to parole revocations, a fact recognized both in the State's brief to the Court of Appeals on the issue of mootness and in state court decisions in analogous cases.

## I

The majority recognizes that in habeas corpus challenges to criminal convictions, the case "is moot only if it is shown that there is no possibility that any collateral legal consequences will be imposed on the basis of the challenged conviction." *Sibron v. New York*, 392 U. S. 40, 57 (1968). This Court has consistently refused to canvass state law to ascertain "the actual existence of specific collateral consequences," and has presumed that such consequences exist. *Id.*, at 55 (discussing *United States v. Morgan*, 346 U. S. 502 (1954), and *Pollard v. United States*, 352 U. S. 354 (1957)). See also *Carafas v. LaVallee*, 391 U. S. 234, 237-238 (1968).

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

February 9, 19

Re: No. 80-1240 - Lane v. Williams

Dear John:

For now, I shall await the dissent.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stevens", with a long horizontal flourish extending to the right.

Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

March 18, 1982

Re: No. 80-1240 - Lane v. Williams

Dear Thurgood:

Please join me in your dissent.

Sincerely

*H. A. B.*

Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 9, 1982

80-1240 Lane v. Williams

Dear John:

Please join me.

Sincerely,

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

Justice Stevens

lfp/ss

cc: The Conference

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

February 8, 1982

Re: No. 80-1240 Lane v. Williams

Dear John:

Please join me in your opinion for the Court.

Sincerely,

*WHS*

Justice Stevens

Copies to the Conference

U.S. Supreme Court  
Justice  
Circulated: FEB 5 '82  
Recirculated:

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1240

MICHAEL P. LANE, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, PETITIONER *v.* LAWRENCE WILLIAMS AND OSCAR SOUTHALL

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

[February —, 1982]

JUSTICE STEVENS delivered the opinion of the Court.

In 1975, respondents pleaded guilty in Illinois state court to a charge of burglary, an offense punishable at that time by imprisonment for an indeterminate term of years and a mandatory three year parole term. We granted certiorari to consider whether the failure of the trial court to advise respondents of that mandatory parole requirement before accepting their guilty pleas deprived them of due process of law. We are unable to reach that question, however, because we find that respondents' claims for relief are moot.

I

On March 11, 1975 respondent Lawrence Williams appeared in Illinois state court and pleaded guilty to a single count of burglary. Before accepting the guilty plea, the trial judge elicited Williams' understanding of the terms of a plea agreement, in which his attorney and the prosecutor had agreed that Williams would receive an indeterminate sentence of from one to two years in prison in exchange for pleading guilty. The judge informed Williams that he would impose the bargained sentence, and advised him of both the nature of the charge against him and the constitutional rights that he would waive by pleading guilty. After the prosecu-

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS



3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1240

MICHAEL P. LANE, DIRECTOR, ILLINOIS  
DEPARTMENT OF CORRECTIONS, PETITIONER *v.*  
LAWRENCE WILLIAMS AND OSCAR SOUTHALL

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

[March —, 1982]

JUSTICE STEVENS delivered the opinion of the Court.

In 1975, respondents pleaded guilty in Illinois state court to a charge of burglary, an offense punishable at that time by imprisonment for an indeterminate term of years and a mandatory three year parole term. We granted certiorari to consider whether the failure of the trial court to advise respondents of that mandatory parole requirement before accepting their guilty pleas deprived them of due process of law. We are unable to reach that question, however, because we find that respondents' claims for relief are moot.

I

On March 11, 1975 respondent Lawrence Williams appeared in Illinois state court and pleaded guilty to a single count of burglary. Before accepting the guilty plea, the trial judge elicited Williams' understanding of the terms of a plea agreement, in which his attorney and the prosecutor had agreed that Williams would receive an indeterminate sentence of from one to two years in prison in exchange for pleading guilty. The judge informed Williams that he would impose the bargained sentence, and advised him of both the nature of the charge against him and the constitutional rights that he would waive by pleading guilty. After the prosecu-

HAB

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

March 24, 1982

MEMORANDUM TO THE CONFERENCE

Re: Case held for No. 80-1240, Lane v. Williams

Johnson v. Fogg, No. 81-5623 has been held for Lane. The issue presented in Johnson is "[w]hether petitioner's pro se application for a writ of habeas corpus, attacking the constitutionality of his state court guilty plea on the ground that he was not informed of the maximum sentence he faced by either his trial attorney or the state court judge, was sufficient to require a hearing on the claim."

Petitioner was convicted in state court, on a plea of guilty, of criminal possession of a weapon in the second degree and attempted assault in the second degree. On April 28, 1977, the state court sentenced petitioner to concurrent terms of five to fifteen years and zero to four years in prison. There is no suggestion in this case that petitioner has completed that sentence.

Petitioner filed an application for a writ of habeas corpus in federal court, contending that his guilty plea was not knowingly and intelligently entered. In support of this contention, petitioner alleged that he was misled by his attorney as to the sentence that he would receive, and that the sentencing judge failed during the plea colloquy to advise him of the maximum sentence that he faced. The District Court denied the habeas corpus petition without an evidentiary hearing. CA2 affirmed.

After ruling that petitioner had exhausted state remedies, the Court of Appeals rejected petitioner's argument that his claims could not be resolved without

Reproduced from the Collections of the Manuscript Division, Library of Congress

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

February 17, 1982

No. 80-1240 Lane v. Williams

Dear John,

Please join me in the opinion in the  
referenced case.

Sincerely,



Justice Stevens

Copies to the Conference