

The Burger Court Opinion Writing Database

Florida v. Royer

460 U.S. 491 (1983)

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

November 20, 1981

Re: No. 80-2146 - Florida v. Royer

Dear Bill:

I adhere to my vote to grant and Sandra now makes it a grant.

However, this holding is so egregious it ought to be reversed summarily.

South Florida is drinking the same kind of coffee as Southern California!

Regards,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

November 12, 1981

Re: No. 80-2146 - Florida v. Royer

Dear Bill:

I voted to grant certiorari in this case before, and I adhere to that vote. I have felt that the Florida District Court of Appeal has been flouting this Court's decisions and creating a real problem in drug enforcement in the Miami area.

Sincerely,



Justice Rehnquist
cc: The Conference

Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

November 12, 1981

80-2146 Florida v. Royer

Dear Bill:

As this case involves an "arrest" rather than a seizure, I have been hesitant to join you in voting to grant.

Your opinion persuades me, however, that the practical effect will be the same: the police may not rely upon the "drug profile" to stop drug couriers even when reasonable suspicion justifies it.

Accordingly, I join your dissent, and also will vote to grant.

Sincerely,

Lewis

Justice Rehnquist

lfp/ss

cc: The Conference

*enter into
docket*

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Stevens
 Justice O'Connor

No. 80-2146, Florida v. Royer

From: Justice Rehnquist

Circulated: NOV 11 1981

Recirculated: _____

Justice Rehnquist, dissenting

I find it all but inexplicable that four Members of the Court are unwilling to grant certiorari to review a judgment of the Florida District Court of Appeal which, in my opinion, is virtually indistinguishable from our recent decision in United States v. Mendenhall, 446 U.S. 544 (1980), in which a majority of this Court held that there was probable cause to arrest a defendant in an airport search case. Since there is no question that the Florida District Court of Appeal based its decision to suppress the 65 pounds of marijuana in respondent's suitcases searched at the airport upon federal constitutional grounds, and since the state of Florida is the petitioner in this case, the decision of the District Court of Appeal brings into prospect a

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

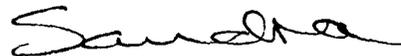
November 12, 1981

No. 80-2146 Florida v. Royer

Dear Bill,

Based on your dissent from denial of certiorari in the referenced case, I am now persuaded to vote to grant cert.

Sincerely,



Justice Rehnquist

Copies to the Conference