

The Burger Court Opinion Writing Database

Taylor v. Alabama

457 U.S. 687 (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

April 2, 1982

Re: 81-5152 - Taylor v. Alabama

Dear Sandra:

Are you inclined to take on a dissent in this case?

Regards,



Justice O'Connor

Copies to: Justice Powell
Justice Rehnquist

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

CHAMBERS OF
THE CHIEF JUSTICE

June 18, 1982

Re: No. 81-5152 - Omar Taylor v. Alabama

Dear Sandra:

I join your dissent.

Regards,

A handwritten signature in black ink, appearing to be 'W. O'Connor', written in a cursive style.

Justice O'Connor

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 1, 1982



RE: No. 81-5152 Taylor v. Alabama

Dear Chief:

Thurgood has agreed to take the opinion for the
Court in the above.

Sincerely,

A handwritten signature, likely "Bul", is written in cursive below the word "Sincerely,".

The Chief Justice
cc: The Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

May 20, 1982

RE: No. 81-5152 Taylor v. Alabama

Dear Thurgood:

I agree.

Sincerely,

Bill

Justice Marshall

cc: The Conference

.85 MAY 30 1982

15

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 21, 1982

Re: 81-5152 - Taylor v. Alabama

Dear Thurgood,

Please join me.

Sincerely yours,



Justice Marshall

Copies to the Conference

cpm

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

From: **Justice Marshall**

Circulated: MAY 19 1982

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-5152

OMAR TAYLOR, PETITIONER v. ALABAMA

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
 ALABAMA

[May —, 1982]

JUSTICE MARSHALL delivered the Opinion of the Court.

This case presents the narrow question whether petitioner's confession should have been suppressed as the fruit of an illegal arrest. The Supreme Court of Alabama held that the evidence was properly admitted. Because the decision below is inconsistent with our decisions in *Dunaway v. New York*, 442 U. S. 200 (1979), and *Brown v. Illinois*, 422 U. S. 590 (1975), we reverse.

I

In 1978, a grocery store in Montgomery, Alabama was robbed. There had been a number of robberies in this area, and the police had initiated an intensive manhunt in an effort to apprehend the robbers. An individual who was at that time incarcerated on unrelated charges told a police officer that "he had heard that [petitioner] Omar Taylor was involved in the robbery." App. 4. This individual had never before given similar information to this officer, did not tell the officer where he had heard this information, and did not provide any details of the crime. This tip was insufficient to give the police probable cause to obtain a warrant or to arrest petitioner.

Nonetheless, on the basis of this information, two officers arrested petitioner without a warrant. They told petitioner that he was being arrested in connection with the grocery-

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

From: **Justice Marshall**

Circulated: _____

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-5152

OMAR TAYLOR, PETITIONER v. ALABAMA

**ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF ALABAMA**

[May —, 1982]

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PP. 3, 6

PP. 3, 4, 5

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

From: **Justice Marshall**

Circulated: _____

Recirculated: JUN 17 1982

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-5152

OMAR TAYLOR, PETITIONER *v.* ALABAMA

ON WRIT OF CERTIORARI TO THE SUPREME COURT
 OF ALABAMA

[June —, 1982]

JUSTICE MARSHALL delivered the Opinion of the Court.

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P. 4

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

From: **Justice Marshall**

Circulated: _____

Recirculated: 6-21-82

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-5152

OMAR TAYLOR, PETITIONER *v.* ALABAMA

ON WRIT OF CERTIORARI TO THE SUPREME COURT
 OF ALABAMA

[June —, 1982]

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 19, 1982

Re: No. 81-5152 - Taylor v. Alabama

Dear Thurgood:

Please join me.

Sincerely,



Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 19, 1982

81-5152 Taylor v. Alabama

Dear Thurgood:

I will await the dissent.

Sincerely,



Justice Marshall

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 16, 1982

81-5152 Taylor v. Alabama

Dear Sandra:

Please join me in your dissent.

Sincerely,

Lewis

Justice O'Connor

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 17, 1982

Re: No. 81-5152 Taylor v. Alabama

Dear Sandra:

Please join me.

Sincerely,

WHR/fgb

Justice O'Connor

cc: The Conference

(4)

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 21, 1982

Re: 81-5152 - Taylor v. Alabama

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

Copies to the Conference

85 MAY 31 1982

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

April 5, 1982

No. 81-5152 Taylor v. Alabama

Dear Chief,

I am willing to try writing a dissent in
this case.

Sincerely,

Sandra

The Chief Justice

cc: Justice Powell
Justice Rehnquist

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 19, 1982

No. 81-5152 Taylor v. Alabama

Dear Thurgood,

I will circulate a dissent in this case,
I hope long before the ferry sails.

Sincerely,



Justice Marshall

Copies to the Conference

To: The Chief Justice
 Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice Stevens

cc: Justice O'Connor

circulated: JAN 15 1982

circulated: _____

ATEX Draft

No. 81-5152 Taylor v. Alabama

JUSTICE O'CONNOR, dissenting.

The Court holds today that Omar Taylor's detailed confession was the fruit of an illegal arrest, and consequently, should be suppressed. Because I conclude that neither the facts nor the law supports the Court's analysis, I respectfully dissent.

I

In the course of their investigation of the Moseley robbery, Montgomery police questioned Charles Martin, who was being held on unrelated rape and robbery charges. Martin stated that "he had heard that Omar Taylor was involved in the robbery of Moseley's Grocery," Transcript (Tr.) 6, but the police made no attempt to establish either Martin's credibility as an informant or the reliability of the information he provided.¹

Based only on this tip, which did not provide probable cause, Sergeants Alford and Rutland arrested Taylor a little before 3:00 p.m. on January 4, 1979. At that time,

¹The police, however, suspected Martin of complicity in the Moseley robbery, Tr. 15. It later developed that Martin had instigated, planned, and participated in the robbery.

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: **Justice O'Connor**

Circulated: _____

Recirculated: **JUN 16 1982**

1st PRINTED DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-5152

OMAR TAYLOR, PETITIONER v. ALABAMA

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
ALABAMA

[June —, 1982]

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Based only on this tip, which did not provide probable cause, Sergeants Alford and Rutland arrested Taylor a little before 3:00 p.m. on January 4, 1979. At that time, they told him why he was being arrested and advised him of his *Miranda* rights, but asked him no questions regarding the robbery. Tr. 20/

524

¹The police, however, suspected Martin of complicity in the Moseley robbery, Tr. 15. It later developed that Martin had instigated, planned, and participated in the robbery.

PP. 1-7

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: **Justice O'Connor**

Circulated: _____

Recirculated: **JUN 21 1982** _____

2nd PRINTED DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-5152

OMAR TAYLOR, PETITIONER v. ALABAMA

**ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF ALABAMA**

[June —, 1982]

JUSTICE O'CONNOR, with whom THE CHIEF JUSTICE, JUSTICE POWELL, and JUSTICE REHNQUIST join, dissenting.

The Court holds today that Omar Taylor's detailed confession was the fruit of an illegal arrest, and consequently, should be suppressed. Because I conclude that neither the facts nor the law supports the Court's analysis, I respectfully dissent.

I

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