

The Burger Court Opinion Writing Database

Florida v. Casal

462 U.S. 637 (1983)

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



No. 81-2318, Florida v. Casal, et al.

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

From: The Chief Justice

MAR 17 1971

Circulated: _____

Recirculated: _____

PER CURIAM.

The writ is dismissed as improvidently granted, it appearing that the judgment of the court below rested on independent and adequate state grounds.

CHIEF JUSTICE BURGER, concurring:

The Court today concludes that the Florida Supreme Court relied on independent and adequate state grounds when it affirmed the suppression of over 100 pounds of marijuana discovered aboard a fishing vessel--the evidence upon which respondents' convictions for possession and importation of marijuana were based. The Florida Supreme Court did not expressly declare that its holding rested on state grounds, and the principal state case cited for the probable cause standard, Florida v. Smith, 233 So. 2d 396 (Fla. 1970), is based entirely upon this Court's interpretation of the Fourth Amendment of the Federal Constitution. I write not to challenge today's determination that the State Court relied on independent and adequate state grounds, however, but rather to emphasize that this Court has decided that Florida law, and not federal law or any decision of this Court, is responsible for the untoward result in this case.

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

April 14, 1983

Re: No. 81-2318, Florida v. Casal

Dear Chief,

I join your per curiam in the
above.

Sincerely,

Bull

The Chief Justice
Copies to the Conference

W

JW

PC

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 28, 1983

Re: 81-2318 - Florida v. Casal

Dear Chief,

I join the suggested per curiam.

Sincerely yours,



The Chief Justice

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cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 25, 1983

Re: No. 81-2318-Florida v. Casal

Dear Chief:

I join your per curiam in the above.

Sincerely,

J.M.
T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 25, 1983

Re: No. 81-2318, Florida v. Casal

Dear Chief:

I agree with the per curiam portion of your circulation of March 17, dismissing the writ as having been improvidently granted.

Sincerely,

H. A. B.

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 25, 1983

²³¹⁶
81-2381 Florida v. Casal

Dear Chief:

I agree with the Per Curiam portion of your circulation of March 17, dismissing the writ as having been im-
providently granted.

Sincerely,

Lewis

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 28, 1983

Re: No. 81-2381 Florida v. Casal

Dear Chief:

I agree with the Per Curiam portion of your circulation of March 17th, dismissing the writ as having been improvidently granted.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

March 24, 1983

Re: 81-2318 - Florida v. Casal

Dear Chief:

Please join me in your per curiam. I do not, however, join your separate statement concerning Florida law.

Respectfully,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

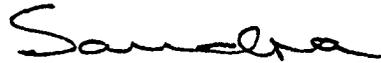
March 25, 1983

No. 81-2318 Florida v. Casal

Dear Chief,

I agree with the per curiam portion of
the circulation of March 17.

Sincerely,



The Chief Justice

Copies to the Conference