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Enmund v. Florida

458 U.S. 782 (1982)

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

September 7, 1982

Re: No.81-5321 Enmund v. Florida

MEMORANDUM TO THE CONFERENCE

I understand that changes have been made in the majority opinion concerning the proper interpretation of the Washington death penalty statute pursuant to a communication to Byron from the Attorney General of Washington. I agree that the Washington statute was incorrectly categorized in the opinion and I propose to ask the Reporter of decisions to make corresponding changes in the dissenting opinion unless there is an objection. Specifically, I propose adding the following sentence to footnote 35:

A fourth State, Washington, permits imposition of the death penalty if premeditated murder is aggravated by, inter alia, commission during a felony. Wash. Rev. Code §§9A.32.030(1)(a), 10.95.020(9) (1981).

I also propose to delete the citations of the Washington statute in footnote 36, and correct the numerical count accordingly.

Sincerely,

Sandra