

# The Burger Court Opinion Writing Database

## *Tuten v. United States*

460 U.S. 660 (1983)

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



10

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

CHAMBERS OF  
THE CHIEF JUSTICE

March 24, 1983

MEMORANDUM TO THE CONFERENCE

RE: No. 81-6756 - Tuten v. United States

Dear Thurgood:

I join.

Regards,

WBJ

Justice Marshall

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

March 21, 1983

RE: No. 81-6756 Tuten v. United States

Dear Thurgood:

I agree.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

Justice Marshall

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

March 25, 1983

Re: 81-6756 - Tuten v. United States

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Dear Thurgood,

Please join me.

Sincerely yours,



Justice Marshall

Copies to the Conference

cpm

Justice Brennan  
 Justice White  
 Justice Blackmun  
 Justice Powell  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: **Justice Marshall**

Circulated: **MAR 17 1983**

Recirculated: \_\_\_\_\_

1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 81-6756

MELVIN E. TUTEN, PETITIONER *v.* UNITED STATES

ON WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA  
 COURT OF APPEALS

[March —, 1983]

JUSTICE MARSHALL delivered the opinion of the Court.

This case presents the question whether a conviction upon which a youth offender was sentenced to probation under the Federal Youth Corrections Act of 1950, 18 U. S. C. § 5005 *et seq.*, was automatically set aside after he served his full term of probation.

### I

In 1971 petitioner Melvin Tuten, who was 19 years old, pleaded guilty to the charge of carrying a pistol without a license in violation of D. C. Code § 22-3204.<sup>1</sup> He was placed on probation for two years under the Federal Youth Corrections Act of 1950 ("YCA"), 66 Stat. 45, 18 U. S. C. § 5005 *et seq.* At the end of the two-year probationary period,

<sup>1</sup> Section 22-3204 provides:

"No person shall within the District of Columbia carry either openly or concealed on his person, except in his dwelling house or place of business or on other land possessed by him, a pistol, without license therefor issued as hereinafter provided, or any deadly or dangerous weapon capable of being so concealed. Whoever violates this section shall be punished as provided in section 22-3215 [by a fine of not more than \$1,000, or imprisonment for not more than one year, or both], unless the violation occurs after he has been convicted in the District of Columbia of a violation of this section or of a felony, either in the District of Columbia or in another jurisdiction, in which case he shall be sentenced to imprisonment for not more than ten years."

Justice Brennan  
Justice White  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Marshall

Circulated: \_\_\_\_\_

Recirculated: MAR 25 1983

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 81-6756

MELVIN E. TUTEN, PETITIONER *v.* UNITED STATES

ON WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA  
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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

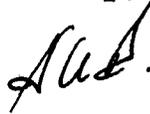
March 23, 1983

Re: No. 81-6756 - Tuten v. United States

Dear Thurgood:

By separate note, I am glad to join your opinion for this case. I have one very minor suggestion. What do you think of adding something like the following at the end of footnote 9 on page 5: "Of course, federal legislation may impose disabilities even on persons whose convictions have been expunged. See Dickerson v. New Banner Institute, Inc., \_\_\_\_\_ U.S. \_\_\_\_\_ (1983)."

Sincerely,



Justice Marshall

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

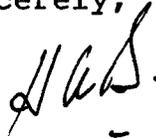
March 23, 1983

Re: No. 81-6756 - Tuten v. United States

Dear Thurgood:

Please join me.

Sincerely,

A handwritten signature in black ink, appearing to be "H.A.M.", written in a cursive style.

Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

March 18, 1983

81-6756 Tuten v. United States

Dear Thurgood:

Please join me.

Sincerely,

*Lewis*

Justice Marshall

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

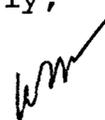
March 21, 1983

Re: No. 81-6756 Tuten v. United States

Dear Thurgood:

Please join me.

Sincerely,



Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

March 18, 1983

Re: 81-6756 - Tuten v. United States

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

Copies to the Conference



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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

March 18, 1983

No. 81-6756 Tuten v. United States

Dear Thurgood,

Please join me.

Sincerely,

Justice Marshall

Copies to the Conference