

The Burger Court Opinion Writing Database

New York v. Quarles

467 U.S. 649 (1984)

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

CHAMBERS OF
THE CHIEF JUSTICE

April 14, 1983

MEMORANDUM TO THE CLERK:

RE: 82-1213 - New York v. Quarles, Benjamin, p.24

Please show on the order list when this case is announced:

"The Chief Justice would grant certiorari and summarily reverse the judgment of the Court of Appeals of New York."

W. R. ...

Regards,

Copies to the Conference

HAB

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

From: Justice Rehnquist

Circulated: MAY 11 1983

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

NEW YORK *v.* BENJAMIN QUARLES

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF NEW YORK

No. 82-1213. Decided May —, 1983

JUSTICE REHNQUIST, dissenting from denial of certiorari.

Shortly after midnight on September 11, 1980, two New York police officers were on road patrol in the borough of Queens when a young woman approached them and requested assistance. She stated that she had just been raped by a man whom she described. She indicated that her assailant had a gun, and that he had gone into a nearby A&P supermarket. The ensuing facts, apparently undisputed, are chronicled in Judge Wachtler's dissenting opinion in the New York Court of Appeals:

"The officers drove the woman to the supermarket where Kraft approached the front of the store on foot while Scarring radioed for assistance. Kraft then observed the defendant, who matched the description given by the woman, approaching the checkout counter. Defendant then fled to the rear of the store with Kraft, who lost sight of the defendant for several seconds, in pursuit. Kraft told defendant to stop and put his hands over his head. Other officers who had arrived in the interim surrounded defendant while Kraft frisked him, discovering an empty shoulder holster.

Disputed here

Kraft handcuffed defendant's hands behind his back and asked him where the gun was. The defendant looked in the direction of a stack of cartons and responded "the gun is over there". The gun was not visible but Kraft reached into one of the cartons and retrieved a loaded revolver. He placed defendant under arrest and advised him of his *Miranda* rights. Kraft

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