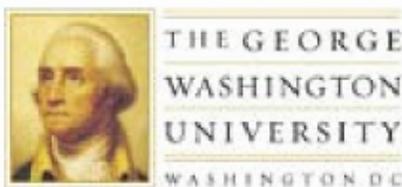


The Burger Court Opinion Writing Database

Michigan v. Clifford

464 U.S. 287 (1984)

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



71B

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

~~January~~
December 5, 1983

Re: No. 82-357 - Michigan v. Clifford

Dear Bill:

Please join me in your dissent.

Sincerely,



Justice Rehnquist

cc: The Conference

5 Will Deny

WHR would like us to
renew ~~the~~ Tyler -
illegal search of doorway
of suspected arson.
1st DRAFT

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

From: Justice Rehnquist

Circulated: 
Recirculated:  JAN 4 1983

SUPREME COURT OF THE UNITED STATES

MICHIGAN v. RAYMOND CLIFFORD AND
EMMA JEAN CLIFFORD

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF
APPEALS OF MICHIGAN

No. 82-357. Decided January —, 1983

JUSTICE REHNQUIST dissenting from denial of certiorari.

The respondents in this case, Raymond and Emma Jean Clifford, were charged with wilfully and maliciously burning a dwelling house and the contents thereof in violation of MCL 750.72; MSA 28.267. They moved to suppress certain government evidence on the grounds that it was the fruit of an unconstitutional warrantless search of their home by state arson investigators. The trial judge denied the motion and respondents took an interlocutory appeal to the Michigan Court of Appeal. That court reversed the trial court, holding that our decision in *Michigan v. Tyler*, 436 U. S. 499 (1978), required a conclusion that the arson investigators' search violated the Fourth Amendment to the United States Constitution and that the fruits of the search had to be suppressed. Pet. at 11. The Michigan Supreme Court denied leave to appeal, Pet. at 18, and the State petitioned for a writ of certiorari, presenting, among others, the question whether "an arson squad investigator [may] enter a burned dwelling to investigate the cause of a fire at the earliest time possible after the flames are extinguished without obtaining a search warrant?" Because I think that the decision below rests on an artificial and illogical restriction that hinders important state investigative efforts I would grant certiorari to clarify our holding in *Michigan v. Tyler*, *supra*.

But I
doubt
desirability
of doing
this - at
least so
soon.

I

On October 18, 1980, at about 5:45 a.m., a fire broke out at the Cliffords' home in Detroit, Michigan. At the time the Cliffords were out of the city. Fire units arrived at the

Deny

WHR is not correct that this case is "factually identical" (p. 6) to Tyler. Moreover, he fails to mention that the arson investigators justified the search on the basis of an official policy that clearly →

Still Denial

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

From: Justice Rehnquist

Circulated: _____

Recirculated: JAN 7 1983

2nd
1st DRAFT

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Arson

What?

I

On October 18, 1980, at about 5:45 a.m., a fire broke out at the Cliffords' home in Detroit, Michigan. At the time the

Deny

HAB has joined. I suspect Chief or SOC will change from a "join 3" to a grant & thus make this case a grant.