

The Burger Court Opinion Writing Database

Minnesota v. Murphy

465 U.S. 420 (1984)

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



The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell ✓
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice White**

Circulated: JAN 13 1983

Recirculated: _____

*These opinions
revised see
file join.*

1st DRAFT

SUPREME COURT OF THE UNITED STATES

MINNESOTA *v.* MARSHALL DONALD MURPHY

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF MINNESOTA

No. 82-827. Decided January —, 1983

The petition for writ of certiorari is denied.

JUSTICE WHITE, dissenting.

In 1980, in connection with a prosecution for criminal sexual conduct, respondent Marshall Murphy pleaded guilty to the crime of false imprisonment. Murphy was sentenced to a prison term of sixteen months, which was stayed, and three years probation. The terms of respondent's probation required, among other things, that he participate in a treatment program, report to his probation officer as directed, and be truthful with the probation officer in all matters. In September, 1981, the probation officer learned from a counselor in respondent's treatment program that during the course of treatment, he had admitted to a rape and murder in 1974. The probation officer, after discussions with her supervisor, determined that this information should be given to the police. The probation officer then wrote respondent and asked him to contact her in order to discuss a treatment plan for the remainder of the probation period.

Upon receipt of the letter, respondent arranged to meet with the probation officer on September 28, 1981. At the beginning of the meeting, the probation officer told respondent about the information she had received from the counselor. Respondent became angry and stated that he "felt like calling a lawyer." The probation officer told respondent that the relationship between the crimes which respondent had admitted to the counselor and the incident that led to his false imprisonment conviction indicated a need for further treatment. During the course of the meeting, respondent told

*I agree that the issue is
important but I think it should
develop in the lower courts. ~~As noted in~~*

January 13, 1983

82-827 Minnesota v. Murphy

Dear Byron:

Please add my name to your dissent from the denial of certiorari.

Sincerely,

Justice White

lfp/ss

cc: The Conference