

The Burger Court Opinion Writing Database

Mabry v. Johnson

467 U.S. 504 (1984)

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



by

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

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

CHAMBERS OF
THE CHIEF JUSTICE

May 30, 1984

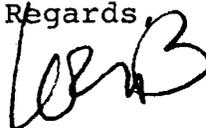
'84 MAY 30 P4:08

Re: 83-328 - Mabry v. Johnson

Dear John:

I join.

Regards,



Justice Stevens

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6

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

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SUPREME COURT, U.S.
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

84 JUN -4 AM 13

June 4, 1984

No. 83-328

Mabry v. Johnson

Dear John,

Please join me.

Sincerely,

Bill

Justice Stevens

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Supreme Court of the United States
SUPREME COURT U.S.
Washington, D. C. 20543
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE BYRON R. WHITE

84 JUN -4 P2:49

June 4, 1984

Re: 83-328 - Mabry v. Johnson

Dear John,

I agree.

Sincerely,

Justice Stevens

Copies to the Conference

cpm

X

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 4, 1984

Re: No. 83-328-Mabry v. Johnson

Dear John:

Please join me.

Sincerely,

Jm.
T.M.

Justice Stevens

cc: The Conference

(H)

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 31, 1984

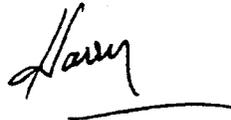
Re: No. 83-328 - Mabry v. Johnson

Dear John:

Please join me.

I have one minor suggestion. On page 2, you identify Judge Gibson in dissent. There are two Gibsons on the Eighth Circuit. One of them has taken retired status but is very active. I suggest you identify the Gibson here as "John R. Gibson."

Sincerely,



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SUPREME COURT, U.S.
JUSTICE MARSHALL

84 JAN -1 10:29

Justice Stevens

cc: The Conference

5

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

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SUPREME COURT, U.S.
JUSTICE MARSHALL

84 MAY 25 10 56

May 25, 1984

83-328 Mabry v. Johnson

Dear John:

Please join me.

Sincerely,

Lewis

Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

84 MAY 25 AM 11:34

May 25, 1984

Re: No. 83-328 Mabry v. Johnson

Dear John:

Please join me.

Sincerely,

WRM

Justice Stevens

cc: The Conference

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

84 MAY 25 4 56

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

From: Justice Stevens

Circulated: MAY 24 1984

Recirculated:

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-328

JAMES MABRY, COMMISSIONER, ARKANSAS
DEPARTMENT OF CORRECTION v.
GEORGE JOHNSON

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT

[May —, 1984]

JUSTICE STEVENS delivered the opinion of the Court.

The question presented is whether a defendant's acceptance of a prosecutor's proposed plea bargain creates a constitutional right to have the bargain specifically enforced.

In the late evening of May 22, 1970, three members of a family returned home to find a burglary in progress. Shots were exchanged resulting in the daughter's death and the wounding of the father and respondent—one of the burglars. Respondent was tried and convicted on three charges: burglary, assault, and murder. The murder conviction was set aside by the Arkansas Supreme Court, *Johnson v. State*, 252 Ark. 1113, 482 S. W. 2d 600 (1972). Thereafter, plea negotiations ensued.

At the time of the negotiations respondent was serving his concurrent 21 and 12-year sentences on the burglary and assault convictions. On Friday, October 27, 1972, a deputy prosecutor proposed to respondent's attorney that in exchange for a plea of guilty to the charge of accessory after a felony murder, the prosecutor would recommend a sentence of 21 years to be served concurrently with the burglary and assault sentences. On the following day, counsel communicated the offer to respondent who agreed to accept it. On the next Monday the lawyer called the prosecutor "and communicated [respondent's] acceptance of the offer." App. 10.

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

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

'84 JUN -7 A9:30

From: Justice Stevens

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-328

JAMES MABRY, COMMISSIONER, ARKANSAS
DEPARTMENT OF CORRECTION *v.*
GEORGE JOHNSON

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT

[June —, 1984]

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

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

84 MAY 25 11:34

May 25, 1984

No. 83-328 Mabry v. Johnson

Dear John,

Please join me.

Sincerely,

Justice Stevens

Copies to the Conference