

The Burger Court Opinion Writing Database

United States v. Sharpe

470 U.S. 675 (1985)

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



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SUPREME COURT, U.S.
JUSTICE MARSHALL

'84 MAY -4 P2:12

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

From: **The Chief Justice**

Circulated: MAY 04 1984

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

UNITED STATES *v.* WILLIAM HARRIS SHARPE AND
DONALD DAVIS SAVAGE

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

No. 83-529. Decided May —, 1984

PER CURIAM.

On the morning of June 9, 1978, Agent Cooke of the Drug Enforcement Administration was on patrol in an unmarked vehicle near Sunset Beach, North Carolina, an area under surveillance for suspected drug trafficking. At approximately 6:30 a. m., Cooke noticed a blue pickup truck, with an attached camper shell, traveling on the highway in tandem with a blue Pontiac. Respondent Savage was driving the pickup, and respondent Sharpe was driving the Pontiac. Agent Cooke noticed that the truck was riding low in the rear and concluded that it was overloaded. A quilted material covered the rear window of the camper.

Agent Cooke was sufficiently concerned to follow the two vehicles for 21 miles; he then decided to make an "investigative stop" and radioed the State Highway Patrol for assistance. Officer Thrasher in a marked patrol car responded to the call, and both he and Agent Cooke, in separate vehicles, followed the Pontiac and the pickup off the highway, through a campground, and back onto the highway. At certain times, the Pontiac and the pickup exceeded the speed limit. Once back on the highway, Thrasher signalled the driver of the Pontiac to stop. As Sharpe moved the Pontiac into the right lane, the pickup truck cut between the Pontiac and Thrasher's patrol car, nearly hitting the patrol car, and continued down the highway.

Agent Cooke stayed with the Pontiac, which had stopped at the side of the road. At the agent's request, Sharpe produced a Georgia driver's license bearing the name of Ray-

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

STYLISTIC CHANGES pp. 4, 7

From: **The Chief Justice**

Circulated: _____

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2nd DRAFT

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

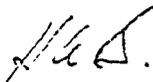
May 23, 1984

Re: No. 83-529, United States v. Sharpe

Dear Chief:

Please join me in your proposed per curiam.

Sincerely,



The Chief Justice

cc: The Conference

81
MAY 23 1984

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May 16, 1984

83-529 United States v. Sharpe & Savage

Dear Chief:

As this is a Per Curiam, in which I will join, I would appreciate your making the modest word changes on page 4 as indicated in red on the enclosed copy of that page.

After all, this is "our" Circuit. In the long run, I think it best to assume that this was a mistake. The present language implies deliberate conduct.

Sincerely,

The Chief Justice

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

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JUSTICE MARSHALL

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 22, 1984

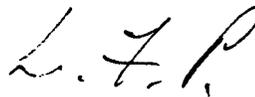
84 MAY 22 12:48

83-529 United States v. Sharpe & Savage

Dear Chief:

I agree with your Per Curiam.

Sincerely,



The Chief Justice

Copies to the Conference

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CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

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

SO: 19 9- YAM 18

May 9, 1984

Re: No. 83-529 United States v. Sharpe & Savage

Dear Chief:

Please join me in your Per Curiam.

Sincerely,

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 4, 1984

Re: No. 83-529 United States v. Sharpe and Savage

Dear Chief,

I agree with your per curiam.

Sincerely,



The Chief Justice

Copies to the Conference

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