

The Burger Court Opinion Writing Database

Oregon v. Elstad

470 U.S. 298 (1985)

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



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

February 21, 1984

CHAMBERS OF
THE CHIEF JUSTICE

Re: 83-773 - Oregon v. Elstad

Dear Sandra:

I am still ready to grant and reverse this case and I'll ponder on a straight grant. Your dissent made a strong case for summary disposition.

Regards,

A handwritten signature in dark ink, appearing to be 'WEB' with a long, sweeping underline that extends to the right.

Justice O'Connor

Copies to the Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 22, 1984

Re: No. 83-773 - Oregon v. Elstad

Dear Sandra:

My vote in this case was to join three. That is still my vote, although, if necessary, I could change it to a straight grant.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry", with a horizontal line underneath.

Justice O'Connor

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

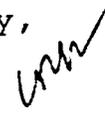
February 23, 1984

Re: No. 83-773 Oregon v. Elstad

Dear Sandra,

Please join me in your dissent from denial of certiorari.

Sincerely,



Justice O'Connor

cc: The Conference

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The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

Still Open

- *Through this is a
persuasive opinion.*

From: Justice O'Connor

Circulated: FEB 21 1984

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

OREGON v. MICHAEL JAMES ELSTAD

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

No. 83-773. Decided February —, 1984

JUSTICE O'CONNOR, dissenting.

I would grant the petition of Oregon for certiorari to resolve the confusion of the lower courts concerning the circumstances in which a suspect's voluntary confession to police, obtained after proper administration of *Miranda* warnings, is admissible at trial despite the taking of a prior admission by police without the required warnings.

*These may well
be 4 votes
to grant -
CJ, HAB, &
WHR & SOC*

*I'm not
inclined
to Reverse
Summarily*

I

On December 17, 1981, police officers went to the home of respondent, Michael James Elstad, with a warrant for his arrest. Respondent's mother admitted the officers into the home and led them to respondent. The officers asked respondent to get dressed, but did not inform him that he was under arrest. Respondent said that he did not know why the police were there. One officer inquired whether respondent knew of a Mr. Gross. Respondent indicated that he did and that he knew Mr. Gross' house had been burglarized. When the officer indicated that he thought respondent was involved, respondent replied, "Yes, I was there."

The officers did not ask any further questions of respondent or attempt to clarify the nature or extent of his participation in the crime. Rather, they placed him in a patrol car and had another officer transport respondent to the county jail. These officers met with respondent at the jail some 45-60 minutes later. At that time, they informed him, for the first time, of his rights under *Miranda v. Arizona*, 384 U. S. 436 (1966), and asked him if he was willing to talk. Respondent said that he understood his rights but indicated