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United States v. Powell

469 U.S. 57 (1984)

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 of the United States
Washington, D. C. 20543

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December 5, 1984

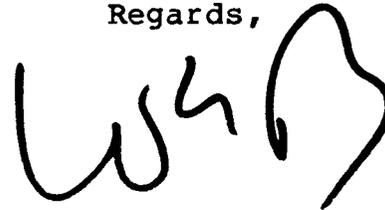
21:28 7-030 48

RE: 83-1307 - United States v. Powell

Dear Bill:

I join.

Regards,



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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 5, 1984

No. 83-1307

United States v. Powell

Dear Bill,

I am joining your opinion in the above. May I make one suggestion? I am dissenting in your Wainwright v. Witt, cited at page 9. Could you delete that cite since Adams v. Texas, which you also cite, is equally apt?

Sincerely,



Justice Rehnquist

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CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

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

December 5, 1984

No. 83-1307

United States v. Powell

Dear Bill,

I agree.

Sincerely,

Bill

Justice Rehnquist

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 5, 1984

83-1307 - United States v. Powell

Dear Bill,

Please join me.

Sincerely yours,



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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 6, 1984

Re: No. 83-1307-U.S. v. Powell

Dear Bill:

Please join me.

Sincerely,

J.M.

T.M.

Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 6, 1984

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Re: No. 83-1307, United States v. Powell

Dear Bill:

Please join me.

Sincerely,

H.A.B.

Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 3, 1984

83-1307 United States v. Powell

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Dear Bill

Please join me.

Sincerely,

Lewis

Justice Rehnquist

lfp/ss

cc: The Conference

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

From: Justice Rehnquist

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1307

**UNITED STATES, PETITIONER v.
BETTY LOU POWELL**

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

[December —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

In *Dunn v. United States*, 284 U. S. 390 (1932), this Court held that a criminal defendant convicted by a jury on one count could not attack that conviction because it was inconsistent with the jury's verdict of acquittal on another count. We granted certiorari in this case to determine whether the Court of Appeals for the Ninth Circuit correctly enunciated an exception to *Dunn* when it overturned respondent's convictions.

In 1982, respondent Betty Lou Powell's husband, Ron Powell, aided by his 17-year-old son Jeff and others, was operating a lucrative cocaine and methaqualone distributorship from the Powell home near San Diego, California. Federal authorities tapped the Powell's telephone pursuant to a court order, and many conversations were recorded, including at least four which indicated that respondent was playing a minor role in the drug distributorship. Three of these conversations indicated that respondent was helping her husband and son to distribute drugs and to collect money owed for drugs sold. The fourth involved a conversation with a travel agent in which respondent booked an airline ticket for her husband in an assumed name. In April 1982, Ron Powell learned of the wiretap and notified his son, who called respondent and told her to leave home and drive to Los Angeles. Respondent was followed by FBI agents, who after

WAR
~~SECRET~~
Please for me
JW

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p. 9; Stylistic change p. 12

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

From: Justice Rehnquist

Circulated: _____

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1307

UNITED STATES, PETITIONER *v.*
BETTY LOU POWELL

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

[December —, 1984]

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

From: Justice Rehnquist

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SUPREME COURT OF THE UNITED STATES

No. 83-1307

UNITED STATES, PETITIONER *v.*
BETTY LOU POWELL

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

[December 10, 1984]

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

December 3, 1984

Re: 83-1307 - United States v. Betty Lou Powell

Dear Bill:

Please join me.

Respectfully,



Justice Rehnquist

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300

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

December 5, 1984

No. 83-1307 United States v. Powell

Dear Bill,

Please join me.

Sincerely,

Sandra

Justice Rehnquist

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