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Miller v. Fenton

474 U.S. 104 (1985)

Paul J. Wahlbeck, George Washington University
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To: The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice White**

Circulated: FEB 13 1985

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

FRANK M. MILLER, JR. *v.* PETER J. FENTON,
SUPERINTENDENT, RAHWAY STATE
PRISON, ET AL.

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

No. 84-5786. Decided February —, 1985

JUSTICE WHITE, dissenting.

When a federal court reviews a state conviction in a habeas corpus proceeding, the state court's factual determinations, subject to exceptions, "shall be presumed to be correct." 28 U. S. C. § 2254(d). Determining which state-court conclusions this presumption applies to has been a continuing struggle. This case presents a specific, but important, example: a state court's determination that a confession was voluntary. [

Petitioner confessed to and was charged with murder. The trial judge determined that the confession had been voluntary and a tape-recording of it was introduced at trial. Petitioner was convicted, but the appellate court reversed on the ground that the confession should not have been admitted. It considered the confession the involuntary result of "intense and mind-bending psychological compulsion" by the interrogator. App. to Pet. for Cert. 38a. In turn, the State Supreme Court, by a vote of 4-3, also reversed, reinstating the conviction. 76 N. J. 392 (1978). Evaluating the confession in light of the "totality of the circumstances," including "the characteristics of the suspect and the details of the interrogation," *id.*, at 402, the court concluded that petitioner's will had not been overborne.

Petitioner then sought a writ of habeas corpus from the Federal District Court for the District of New Jersey. That court also held that the confession was voluntary, and denied the writ. A divided panel of the Court of Appeals for the Third Circuit affirmed. 741 F. 2d 1456 (1984). Relying on a

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

7AB

From: Justice White

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

**FRANK M. MILLER, JR. v. PETER J. FENTON,
SUPERINTENDENT, RAHWAY STATE
PRISON, ET AL.**

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

No. 84-5786. Decided February —, 1985

JUSTICE WHITE, with whom JUSTICE BLACKMUN joins, dissenting.

When a federal court reviews a state conviction in a habeas corpus proceeding, the state court's factual determinations, subject to exceptions, "shall be presumed to be correct." 28 U. S. C. §2254(d). Determining which state-court conclusions this presumption applies to has been a continuing struggle. This case presents a specific, but important, example: a state court's determination that a confession was voluntary.

Petitioner confessed to and was charged with murder. The trial judge determined that the confession had been voluntary and a tape-recording of it was introduced at trial. Petitioner was convicted, but the appellate court reversed on the ground that the confession should not have been admitted. It considered the confession the involuntary result of "intense and mind-bending psychological compulsion" by the interrogator. App. to Pet. for Cert. 38a. In turn, the State Supreme Court, by a vote of 4-3, also reversed, reinstating the conviction. 76 N. J. 392 (1978). Evaluating the confession in light of the "totality of the circumstances," including "the characteristics of the suspect and the details of the interrogation," *id.*, at 402, the court concluded that petitioner's will had not been overborne.

Petitioner then sought a writ of habeas corpus from the Federal District Court for the District of New Jersey. That court also held that the confession was voluntary, and denied

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 15, 1985

Re: No. 84-5786, Miller v. Fenton

Dear Byron:

Please join me in your dissent.

Sincerely,



Justice White

cc: The Conference