

The Burger Court Opinion Writing Database

Carchman v. Nash

473 U.S. 716 (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

CHAMBERS OF
THE CHIEF JUSTICE

June 20, 1985

Re: No. 84-835 - New Jersey Department of Corrections v.
Nash
No. 84-776 - Carchman v. Nash

Dear Harry:

I join.

Regards,



Justice Blackmun

Copies to the Conference

82 4130 115

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

April 29, 1985

No. 84-835) New Jersey
) Department
) of Corrections
) v. Nash
) Carchman
No. 84-776) v. New Jersey

Dear Thurgood and John,

We three are in dissent in the
above. I'll be glad to try my hand at
the dissent.

Sincerely,

Bill

Justice Marshall

Justice Stevens

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 7, 1985

No. 84-835) New Jersey Department
) of Corrections
) v. Nash
)
No. 84-776) Carchman v. Nash

Dear Harry,

I shall circulate a dissent in due
course.

Sincerely,



Justice Blackmun

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.82 84-835-1 6/11/85

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

From: Justice Brennan

Circulated: JUN 24 1985

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 84-776 AND 84-835

PHILIP S. CARCHMAN, MERCER COUNTY
PROSECUTOR, PETITIONER

84-776

v.

RICHARD NASH

NEW JERSEY DEPARTMENT OF CORRECTIONS,
PETITIONER

84-835

v.

RICHARD NASH

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

[June —, 1985]

JUSTICE BRENNAN, dissenting.

Must

May⁹ detainers based on outstanding charges of probation violation be disposed of within the terms of the Interstate Agreement on Detainers? Article III of the Agreement permits an inmate to invoke his rights to speedy detainer disposition by making a "request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged." No interpretive rule that I am aware of requires that "complaints" cannot subsume charges of probation violation, and no available legislative history indicates an intention to exclude such detainers from the Agreement. Instead, the drafters plainly intended a comprehensive solution for the problem of detainers, and the Court itself acknowledges that underlying purposes of the Agreement would be "directly advanced" if probation detainers were subject to its strictures. *Ante*, at 16. Article IX of the Agreement directs that "[t]his Agreement shall be liberally construed so as to effectuate its purposes," and the

when such disposition is requested?

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STYLISTIC CHANGES THROUGHOUT.

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

From: Justice Brennan

Circulated: _____
Recirculated: JUN 25 1985

WIS
Please join me in your dissent

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 84-776 AND 84-835

PHILIP S. CARCHMAN, MERCER COUNTY
PROSECUTOR, PETITIONER
84-776
v.
RICHARD NASH

NEW JERSEY DEPARTMENT OF CORRECTIONS,
PETITIONER
84-835
v.
RICHARD NASH

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

[June —, 1985]

JUSTICE BRENNAN, dissenting.

Must detainers based on outstanding charges of probation violation be disposed of within the terms of the Interstate Agreement on Detainers when such disposition is requested? Article III of the Agreement permits an inmate to invoke his rights to speedy detainer disposition by making a "request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged." No interpretive rule that I am aware of requires that "complaints" cannot subsume charges of probation violation, and no available legislative history indicates an intention to exclude detainers based on such charges from the Agreement. Instead, the drafters plainly intended a comprehensive solution for the problem of detainers, and the Court itself acknowledges that underlying purposes of the Agreement would be "directly advanced" if probation-violation detainers were subject to its strictures. *Ante*, at 16. Article IX of the Agreement directs that "[t]his Agreement shall be liber-

John

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STYLISTIC CHANGES THROUGHOUT.

SEE PAGES: 1, 4-6, 8, 9, 16-18

JUN 28 1985

SUPREME COURT OF THE UNITED STATES

Nos. 84-776 AND 84-835

PHILIP S. CARCHMAN, MERCER COUNTY
PROSECUTOR, PETITIONER

84-776

v.

RICHARD NASH

NEW JERSEY DEPARTMENT OF CORRECTIONS,
PETITIONER

84-835

v.

RICHARD NASH

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

[July 2, 1985]

JUSTICE BRENNAN, with whom JUSTICE MARSHALL and
JUSTICE STEVENS join, dissenting.

Must detainees based on outstanding charges of probation violation be disposed of within the terms of the Interstate Agreement on Detainers when such disposition is requested? Article III of the Agreement permits an inmate to invoke his rights to speedy detainer disposition by making a "request for final disposition of all untried indictments, informations or complaints on the basis of which detainees have been lodged." N. J. Stat. Ann. §2A:159A-3 (West 1971) (hereinafter cited by Article only). No interpretive rule that I am aware of requires that "complaints" cannot subsume charges of probation violation, and no available legislative history indicates an intention to exclude detainees based on such charges from the Agreement. Instead, the drafters plainly intended a comprehensive solution for the problem of detainees, and the Court itself acknowledges that underlying purposes of the Agreement would be "advanced" if probation-violation de-

3

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 5, 1985

84-835 - New Jersey Department of
Corrections v. Nash

84-776 - Carchman v. Nash

Dear Harry,

Please join me.

Sincerely yours,

Byron

Justice Blackmun

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.82 THE 6112

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 7, 1985

Re: Nos. 84-835 and 776-New Jersey Dept. of
Corrections and Philip S. Carchman v.
Nash

Dear Harry:

I await the dissent.

Sincerely,

T.M.
T.M.

Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 25, 1985

Re: Nos. 84-776 and 835-Carchman and New Jersey Dept.
of Corrections v. Nash

Dear Bill:

Please join me in your dissent.

Sincerely,

T.M.

T.M.

Justice Brennan

cc: The Conference

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

From: **Justice Blackmun**

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HAF
I want the dissent
M

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 84-835 AND 84-776

NEW JERSEY DEPARTMENT OF CORRECTIONS,
PETITIONER

84-835

v.

RICHARD NASH

PHILIP S. CARCHMAN, MERCER COUNTY
PROSECUTOR, PETITIONER

84-776

v.

RICHARD NASH

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

[June —, 1985]

JUSTICE BLACKMUN delivered the opinion of the Court.

Article III of the Interstate Agreement on Detainers gives a prisoner incarcerated in one State the right to demand the speedy disposition of "any indictment, information or complaint" that is the basis of a detainer lodged against him by another State. These cases present the issue whether Art. III applies to detainers based on probation-violation charges.

I

The Interstate Agreement on Detainers (Agreement) is a compact among 48 States, the District of Columbia, Puerto Rico, the Virgin Islands, and the United States. The Agreement was drafted in 1956 by the Council of State Governments and was adopted in 1958 by the State of New Jersey, where it is now codified as N. J. Stat. Ann. §§2A:159A-1 *et seq.* (West 1971). The Agreement is a congressionally sanctioned interstate compact within the Compact Clause, U. S. Const., Art. I, § 10, cl. 3, and thus is a federal law subject to

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Case titles in proper order
and stylistic changes

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

From: Justice Blackmun

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 84-776 AND 84-835

PHILIP S. CARCHMAN, MERCER COUNTY
PROSECUTOR, PETITIONER

84-776

v.
RICHARD NASH

NEW JERSEY DEPARTMENT OF CORRECTIONS,
PETITIONER

84-835

v.
RICHARD NASH

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

[June —, 1985]

JUSTICE BLACKMUN delivered the opinion of the Court.

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Stylistic Changes
- Pages: 13, 14-15, 16

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

From: Justice Blackmun

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 84-776 AND 84-835

PHILIP S. CARCHMAN, MERCER COUNTY
PROSECUTOR, PETITIONER

84-776

v.

RICHARD NASH

NEW JERSEY DEPARTMENT OF CORRECTIONS,
PETITIONER

84-835

v.

RICHARD NASH

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

[June —, 1985]

JUSTICE BLACKMUN delivered the opinion of the Court.

Article III of the Interstate Agreement on Detainers gives a prisoner incarcerated in one State the right to demand the speedy disposition of "any untried indictment, information or complaint" that is the basis of a detainer lodged against him by another State. These cases present the issue whether Art. III applies to detainers based on probation-violation charges.

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 5, 1985

84-835 New Jersey Department v. Nash

Dear Harry:

Please join me.

Sincerely,

Lewis

Justice Blackmun

lfp/ss

cc: The Conference

82 10-1 0-11

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 5, 1985

Re: 84-835 - New Jersey Department of Corrections v. Nash
84-776 - Carchman v. Nash

Dear Harry:
Please join me.

Sincerely,
WR

Justice Blackmun
cc: The Conference

92 JUN 10 1985

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 24, 1985

Re: 84-776 - Carchman v. Nash
84-835 - New Jersey Dept. of Corrections
v. Nash

Dear Bill:

Please join me.

Respectfully,



Justice Brennan

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 5, 1985

No. 84-835 New Jersey Department of Corrections
v. Nash
No. 84-776 Carchman v. Nash

Dear Harry,

Please join me.

Sincerely,

Sandra

Justice Blackmun

82 11-2 5312

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