

The Burger Court Opinion Writing Database

Holbrook v. Flynn

475 U.S. 560 (1986)

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



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

From: **The Chief Justice**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1606

TERRANCE HOLBROOK, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION,
NORFOLK, MASSACHUSETTS, ET AL.,
PETITIONERS *v.* CHARLES FLYNN

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

[March —, 1986]

CHIEF JUSTICE BURGER, concurring.

I write only to explain my reading of the Court's statement that "in our supervisory capacity, we *might* express a preference that officers providing courtroom security in federal courts not be easily identifiable by jurors as guards" *Ante*, at 11 (emphasis added). In joining the opinion, I interpret the Court's carefully qualified statement in this case—a state case—as containing no suggestion that federal officers providing security must doff their uniforms before entering federal courtrooms, and certainly none of the three cases the Court cites, *ante*, at 11 n. 5, would require any such arbitrary action. Moreover, the issue of what kind of security arrangements some might "prefer" is, of course, quite distinct from issues such as whether a federal defendant would become entitled to a new trial because of an alleged prejudicial effect of the security measures used at his trial. On this understanding, I join the Court's opinion.

MAR 13 1986

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(B)

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

March 10, 1986

No. 84-1606

Holbrook v. Flynn

Dear Thurgood,

Please join me.

Sincerely,

W. J. Brennan

Justice Marshall

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 10, 1986

84-1606 - Holbrook v. Flynn

Dear Thurgood,

Please join me.

Sincerely yours,



Justice Marshall

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

From: **Justice Marshall**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1606

TERRANCE HOLBROOK, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION,
NORFOLK, MASSACHUSETTS, ET AL.,
PETITIONERS *v.* CHARLES FLYNN

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

[March —, 1986]

JUSTICE MARSHALL delivered the opinion of the Court.

The question presented in this case is whether a criminal defendant was denied his constitutional right to a fair trial when, at his trial with five co-defendants, the customary courtroom security force was supplemented by four uniformed state troopers sitting in the first row of the spectator section.

I

On August 14, 1975, nine masked men entered the Bonded Vault Co. in Providence, Rhode Island, robbed several employees at gunpoint, broke into most of the safe-deposit boxes in the vault, and escaped with approximately \$4 million in cash and valuables. In January 1976, respondent and eight others were indicted in Providence County Superior Court for that crime. After a hearing in Superior Court, respondent and five of his alleged accomplices were ordered held without bail in the custody of the warden of the State's Adult Correctional Institution.¹

¹ Of the remaining three defendants, two were fugitive at the time of respondent's trial, and the third appeared at that proceeding as a witness for the State.

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

STYLISTIC CHANGES THROUGHOUT

From: **Justice Marshall**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1606

TERRANCE HOLBROOK, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION,
NORFOLK, MASSACHUSETTS, ET AL.,
PETITIONERS *v.* CHARLES FLYNN

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

[March —, 1986]

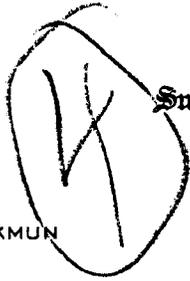
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¹ Of the remaining three defendants, two were fugitive at the time of respondent's trial, and the third appeared at that proceeding as a witness for the State.



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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 7, 1986

Re: No. 84-1606, Holbrook v. Flynn

Dear Thurgood:

Please join me.

Sincerely,
HAB.

Justice Marshall

cc: The Conference

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CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

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

March 6, 1986

84-1606 Holbrook v. Flynn

Dear Thurgood:

Please join me.

Sincerely,

Justice Marshall

lfp/ss

cc: The Conference



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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 10, 1986

Re: 84-1606 - Holbrook v. Flynn

Dear Thurgood:

Please join me.

Sincerely,

Wm

Justice Marshall

cc: The Conference



CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

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

March 6, 1986

Re: 84-1606 - Holbrook v. Flynn

Dear Thurgood:

Although I might come out differently if this were a direct appeal, your opinion convinces me that collateral attack is not appropriate. Accordingly, please join me in your opinion for the Court.

Respectfully,

Justice Marshall

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

March 5, 1986

No. 84-1606 Holbrook v. Flynn

Dear Thurgood,

Please join me.

Sincerely,

Justice Marshall

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