

The Burger Court Opinion Writing Database

McLaughlin v. United States

476 U.S. 16 (1986)

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

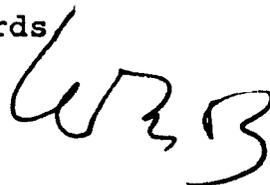
April 24, 1986

85-5189 - McLaughlin v. United States

Dear John:

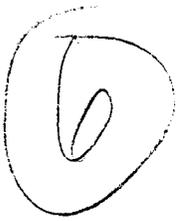
I join.

Regards

A handwritten signature in dark ink, appearing to be 'W.S.B.', written over the word 'Regards'.

Justice Stevens

Copies to the Conference



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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

April 17, 1986

No. 85-5189

McLaughlin v. United States

Dear John,

Please join me.

Sincerely,

Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

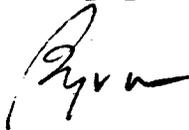
April 16, 1986

85-5189 - McLaughlin v. United States

Dear John,

Please join me.

Sincerely yours,



Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 25, 1986

Re: No. 85-5189 - McLaughlin v. United States

Dear John:

Please join me.

Sincerely,

JM.
T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 17, 1986

Re: No. 85-5189, McLaughlin v. United States

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 16, 1986

85-5189 McLaughlin v. United States

Dear John:

I happily join your opinion.

It sets an admirable example of conciseness that
may well rank among the best of our decisions.

With cheers!

Sincerely,



Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 16, 1986

Re: 85-5189 - McLaughlin v. United States

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

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

From: **Justice Stevens**

Circulated: **APR 16 1986**

Recirculated: _____

Confidential

Confidential

*This is a handwritten note
in the margin of the
document and is not
to be read.*

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-5189

**LAMONT JULIUS McLAUGHLIN, PETITIONER v.
UNITED STATES**

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

[April —, 1986]

JUSTICE STEVENS, delivered the opinion of the Court.

The question presented is whether an unloaded handgun is a "dangerous weapon" within the meaning of the federal bank robbery statute.

At about 9:30 a.m. on July 26, 1984, petitioner and a companion, both wearing stocking masks and gloves, entered a bank in Baltimore. Petitioner thereupon displayed a dark handgun and ordered everyone in the bank to put his hands up and not to move. While petitioner remained in the lobby area holding the gun, his companion vaulted the counter and placed about \$3,400 in a brown paper bag. The two robbers were apprehended by a police officer as they left the bank. Petitioner's gun was not loaded.

Petitioner pleaded guilty to charges of bank robbery and bank larceny and, on the basis of stipulated evidence, was found guilty of assault during a bank robbery "by the use of a dangerous weapon."¹ The latter conviction depends on the

¹The federal bank robbery statute, 18 U. S. C. § 2113, provides in pertinent part:

"(a) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association . . .

Wax

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

2

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 17, 1986

Re: 85-5189 - McLaughlin v. United States

Dear Thurgood:

In response to your suggestion I have revised footnote 2 to read as follows:

2/We granted certiorari, ___ U.S. ___, to resolve an apparent conflict. See, e.g., United States v. Wardy, 777 F.2d 101, 105-106 (CA2 1985); United States v. Terry, 760 F.2d 939, 942 (CA9 1985).

Respectfully,



Justice Marshall

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

UNEXPECTED CHANGES THROUGHOUT.
SEE PAGES- 2

From: Justice Stevens

Circulated: _____

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-5189

LAMONT JULIUS McLAUGHLIN, PETITIONER *v.*
UNITED STATES

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

[April —, 1986]

JUSTICE STEVENS, delivered the opinion of the Court.

The question presented is whether an unloaded handgun is a "dangerous weapon" within the meaning of the federal bank robbery statute.

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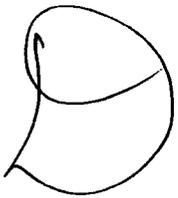
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 25, 1986

MEMORANDUM TO THE CONFERENCE

Case held for No. 85-5189 - McLaughlin v.
United States



Johnson v. United States, No. 85-6124, presents the same question, on a writ of certiorari to the same circuit, by a petitioner represented by the same counsel as McLaughlin. Because McLaughlin affirms the Fourth Circuit's holding that an unloaded gun is a "dangerous weapon" within the meaning of 18 U.S.C. § 2113(d) of the federal bank robbery statute, I will vote to deny the petition.

Respectfully,

Handwritten signature of John Paul Stevens.

6
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

April 16, 1986

No. 85-5189 McLaughlin v. U. S.

Dear John,

Please join me.

Sincerely,

Sandra

Justice Stevens

Copies to the Conference