

The Burger Court Opinion Writing Database

Crane v. Kentucky

476 U.S. 683 (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

June 4, 1986

85-5238 - Crane v. Kentucky

Dear Sandra:

With Bill Rehnquist's "addendum," I join.

Regards,

Justice O'Connor

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

December 9, 1985

No. 85-5238

Crane v. Kentucky

Dear Byron,

Please join me.

Sincerely,



Justice White

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 3, 1986

No. 85-5238

Crane v. Kentucky

Dear Sandra,

I agree.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", written in dark ink.

Justice O'Connor

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 2, 1986

85-5238 - Crane v. Kentucky

Dear Sandra,

Please join me.

Sincerely yours,

Justice O'Connor

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 2, 1986

Re: No. 85-5238 - Crane v. Kentucky

Dear Sandra:

Please join me.

Sincerely,



T.M.

Justice O'Connor

cc: The Conference

4
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 3, 1986

Re: No. 85-5238, Crane v. Kentucky

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 30, 1986

85-5238 Crane v. Kentucky

Dear Sandra:

Please join me.

Sincerely,

L Lewis

Justice O'Connor

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 2, 1986

Re: No. 85-5238 Crane v. Kentucky

Dear Sandra,

I did not join the other votes to "reverse" this case at Conference because I was fearful that an opinion reaching that result might bring into existence a virtual federal law of evidence which would be binding on state courts. Your opinion stops short of any such result, and I therefore join it.

I have one suggestion which I hope you will consider. Presently the last sentence on page 8 of your circulating draft reads as follows:

"Especially in view of its failure to advance any rational justification for the wholesale exclusion of this body of potentially exculpatory evidence, the decision of the Supreme Court of Kentucky must be reversed."

It occurs to me that frequently state courts, facing numerous claims of error in a particular appeal, will lump some together and dispose of them by saying "we have considered the other assignments of error, and find them to be without merit," or some such language. By hypothesis in that sort of a case, the state court has not advanced any "rational justification" for whatever exclusionary rulings it may have affirmed, and yet I would think in such a situation if the exclusion were challenged on the authority of this case in this Court or on federal habeas it ought to be open to counsel for the state to offer a justification on the basis of state law precedent for the exclusion. If this makes sense to you, could you see your way clear to revising the sentence in question to read something like this:

"Especially since neither the Supreme Court of Kentucky in its opinion, nor the respondent in its argument to this Court, have advanced any rational justification for the wholesale exclusion of this

body of potentially exculpatory evidence, the decision of the Supreme Court of Kentucky must be reversed."

Sincerely,

Wm

Justice O'Connor

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 30, 1986

Re: 85-5238 - Crane v. Kentucky

Dear Sandra:

Please join me.

Respectfully,



Justice O'Connor

Copies to the Conference

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

Circulated: MAY 30 1986

Recirculated: _____

520
W. J. Brennan
7/1

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-5238

MAJOR CRANE, PETITIONER *v.* KENTUCKY

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF KENTUCKY

[June —, 1986]

JUSTICE O'CONNOR delivered the opinion of the Court.

Prior to his trial for murder, petitioner moved to suppress his confession. The trial judge conducted a hearing, determined that the confession was voluntary, and denied the motion. At trial, petitioner sought to introduce testimony about the physical and psychological environment in which the confession was obtained. His objective in so doing was to suggest that the statement was unworthy of belief. The trial court ruled that this testimony pertained solely to the issue of voluntariness and was therefore inadmissible. The question presented is whether this ruling deprived petitioner of his rights under the Sixth and Fourteenth Amendments to the Federal Constitution.

I

On August 7, 1981, a clerk at the Keg Liquor Store in Louisville, Kentucky was shot to death, apparently during the course of a robbery. A complete absence of identifying physical evidence hampered the initial investigation of the crime. A week later, however, the police arrested petitioner, then 16 years old, for his suspected participation in an unrelated service station holdup. According to police testimony at the suppression hearing, "just out of the clear blue sky," petitioner began to confess to a host of local crimes, including shooting a police officer, robbing a hardware store, and a robbing several individuals at a bowling alley. App. 4. Their curiosity understandably aroused, the police trans-

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pp. 8

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-5238

MAJOR CRANE, PETITIONER v. KENTUCKY

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF KENTUCKY

[June —, 1986]

JUSTICE O'CONNOR delivered the opinion of the Court.

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


CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 2, 1986

No. 85-5238 Crane v. Kentucky

Dear Bill,

I will be happy to make your suggested change.

Sincerely,



Justice Rehnquist

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