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## 10-15-1982 Correspondence from Stevens to the Conference

John Paul Stevens  
*US Supreme Court Justice*

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

October 15, 1982

MEMORANDUM TO THE CONFERENCE

Re: 81-430 - Illinois v. Gates

At our conference discussion I believe we failed to take into account the fact that on February 8, 1982, the petitioner filed a motion for leave to amend or enlarge the question presented for review, which motion was unanimously denied. The question that we refused to allow the Illinois Attorney General to argue reads as follows:

"Assuming, arguendo, that the information used to obtain the search warrant did not satisfy Aguilar v. Texas, 378 U.S. 108 (1964), should the evidence obtained under the warrant nevertheless be admitted at trial because the police acted in a reasonable good faith belief in the validity of the warrant?"

In view of the denial of that motion, it seems to me that the Court should not address the question which the parties were not permitted to argue. I would imagine the respondent assumed that there was no need to address that question.

Respectfully,

