

4-13-1977

04-13-1977 Chief Justice, Per Curiam

Warren E. Burger
US Supreme Court Justice

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AAB

To: Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: The Chief Justice

Circulated: _____

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-5382

Willie Jasper Darden, }
Petitioner, } On Writ of Certiorari to the Supreme
v. } Court of Florida.
State of Florida. }

[April —, 1977]

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, dissents and adhering to his view that capital punishment is in all circumstances prohibited as cruel and unusual punishment by the Eighth and Fourteenth Amendments, would set aside the death sentence imposed in this case.