

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

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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.