

LPK  
no?

79-935

Allen v. McCurry

1983 - alleged 4A viol - C 3 was constt issue raised in + crim proc  
The fact situ is tragic - gun battle + 2 officers shot - D & fa  
emerged from house - entry + S - guns & drugs seized

Mo ct. StL Ct denied supp in pt as to "full view" items

Ct App td - S for "other accpts" OK, + plain view

meanwhile - Fed ct Meredith 1983 suit vs + officers for Sg home sans a w!

+ also assault after handcuffed

SJ granted + suit dismissed. C 3

C 8 reversed - Dct shd address issue of assault

Stone v Powell presents fed HC - ∴ no fed forum

- dctr + holds in obedience jury Mo ct appeal

✓ It wd b easy to apply C 3 automatically - legally logical

✓ 3 liberals on this panel - wd n like Stone v Powell.

✓ The "seizure offense" issue a red herring & to be ignored.

I wd ignore the liti flood stats pro & con.

✓ As a prac mat, + jury wd n be sign for the guys.

L6  
1983 n on air  
base

Faomy vs Jud

1. Usual purpose of RJ
2. St ct does no def -  
Montana v US
3. Federalism interests -  
concept obsolete
4. 28 USC 1738 (re st ct cases)
5. Review by cert is suff  
oversight
6. Membership of 1983 for  
so long = RRR restriction
7. The concept v conc st ct
8. On ii volum go to st ct,  
any fed aspect sb warned.

Not passing

1. Lexis background v 1983
2. A new fed rev
3. Narrow concept of the CE & R.J  
in 1983 enacted
4. Fed ct as primary & final  
arbiters v court ct
- ✓ 5. Broad CE makes st ct in crim  
cases + final arbiters
- ? 6. > able v fed ct on court issues

79-935 (3)

I rely away from routine applic of CE

See fax re attorney's & feed one's losses

But

The 1983 history v fed ct's as prima facie is n + b excepted

- unless restricted to KKK stuff & membership

✓ ✓ When party has a choice v forums & volly go to st ct, he waives  
+ CE applies

✓ When a state crim D, it is invol & no waiver

✓ The cert review is not suff.

Other poss exceptions to CE

Def in quality of procedures in t d ct's

Restraint <sup>into</sup> expectas + b ed (do they bow to case law?)

✓ I will decide this case - & refer only genly to other  
poss exceptions, tho it will spawn lit.

This D-req't put to choice v suppression or damn.

See officers - as n ps to t st ct crim proced - mutuality

LP

+?

17 Sept 80

Ry Cause, Sa.