

The Chief Justice *ed reach*
ments

Stewart, J. *no objection but*
that it considered question
therefore Ct of app confident
ignore it. However
Ct of app seems to have treated
the question. So I'd reach
the merits & reverse

White, J. *The state of record*
was here when case
was granted, so
would reach merits
& reverse. When 1983
enacted, no punitive

Marshall, J.

Blackmun, J. Failure to omit
not fatal here on this
record. An events
not much determined
in particular against
other & reverse

Powell, J. Was troubled by
plain error question
& had voted to deny
Cert - but now
will reverse

Rehnquist, J. Reach events
& reverse

Stevens, J. If Court reaches
events would not
hold reverse particular
leaving