

377 U.S.

Per Curiam.

MARDER *v.* MASSACHUSETTS.APPEAL FROM THE SUPERIOR COURT OF MASSACHUSETTS,  
SUFFOLK COUNTY.

No. 819. Decided June 1, 1964.

Appeal dismissed for want of a substantial federal question.

Reported below: See 346 Mass. 408, 193 N. E. 2d 695.

Appellant *pro se*.*Edward W. Brooke*, Attorney General of Massachusetts, for appellee.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

MR. JUSTICE GOLDBERG, with whom MR. JUSTICE DOUGLAS joins, dissenting.

This appeal raises the question of whether a person charged with a traffic violation (or presumably any other criminal offense) may be forced by a statute, General Laws of Mass., c. 90, §§ 20 and 20A, to choose between foregoing a trial by pleading guilty and paying a small fine, or going to trial and thereby exposing himself to the possibility of a greater punishment if found guilty. I express no view on the merits of this question. But I would note probable jurisdiction, since the issue, in my view, presents a substantial federal question, and since I am not convinced that the generally sound advice to "pay the two dollars" necessarily reflects a constitutionally permissible requirement.

MR. JUSTICE WHITE is of the opinion that probable jurisdiction should be noted.