

MASSACHUSETTS *v.* WHITECERTIORARI TO THE SUPREME JUDICIAL COURT OF  
MASSACHUSETTS

No. 77-1388. Argued November 28, 1978—Decided December 11, 1978

— Mass. —, 371 N. E. 2d 777, affirmed by an equally divided Court.

*Barbara A. H. Smith*, Assistant Attorney General of Massachusetts, argued the cause for petitioner. With her on the briefs were *Francis X. Bellotti*, Attorney General, and *Stephen R. Delinsky*, Assistant Attorney General.

*Robert S. Cohen* argued the cause and filed a brief for respondent.\*

## PER CURIAM.

The judgment is affirmed by an equally divided Court.

MR. JUSTICE POWELL took no part in the consideration or decision of this case.

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\**Fred E. Inbau*, *Wayne W. Schmidt*, *Robert Smith*, and *James P. Costello* filed a brief for Americans for Effective Law Enforcement, Inc., as *amicus curiae* urging reversal.