

OPINION OF INDIVIDUAL JUSTICE IN
CHAMBERS

CALIFORNIA v. VELASQUEZ

ON WRIT OF HABEAS CORPUS

No. 8-778 Decided March 22, 1980

California's application for a writ, granted. There is no reversal of the California Supreme Court's decision regarding the imposition of a death sentence for voluntary manslaughter, as granted.

Mr. Justice Brennan (Concurring)

Applicant seeks a writ of habeas corpus from this Court.

REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 1064 and 1301 were intentionally omitted, in order to make it possible to publish in-chambers opinions with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

Noting the conviction because the trial was conducted in violation of this Court's decision in *Witherspoon v. Illinois*, 391 U.S. 510, 88 S.Ct. 1371, 20 L.Ed.2d 303 (1968).

This Court has granted certiorari in *James v. Fane*, No. 79-5175, 441 U.S. 980, and that case is presently set for argument before the Court. The issues presented there are sufficiently related to the issues at hand. The applicant there says it will raise in its petition for certiorari the issue that I have decided to grant the State's application for stay pending (1) consideration and decision of *James v. Fane*, supra, by this Court, and (2) the filing and disposition of a timely petition for certiorari in this case by the applicant.

I am not persuaded by the response that the Justice before me upon a reading of state law for the Supreme Court of