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planes, officers smelled marihuana as they approached trucks and saw in back of trucks packages commonly used for marihuana, (3) after arresting some of respondents, officers took trucks to a Government office, and packages were placed in a Government warehouse, and (4) three days later Government agents, without obtaining a search warrant, opened some of packages and took samples that proved to be marihuana, marihuana was improperly suppressed before respondents' trial on federal drug charges since officers had probable cause to conduct a vehicle search, and since search of packages was not unreasonable merely because it occurred three days after packages were unloaded from trucks. *United States v. Johns*, p. 478.

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Act, terminated author's grant of renewal rights and sought to recover all royalties received by petitioner from licensed recordings, petitioner was entitled, under § 304(c)(6)(A) of Act, to its share of disputed royalty income under terms of author's 1940 grant. *Mills Music, Inc. v. Snyder*, p. 153.

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2. *Impeachment of defendant—Prior conviction.*—Where (1) during his trial on federal drug charges petitioner moved to preclude Government's use of a prior conviction to impeach him if he testified, (2) District Court denied motion *in limine*, ruling that prior conviction fell within category of permissible impeachment evidence under Federal Rule of Evidence 609(a), and (3) petitioner did not testify and was convicted, Court of Appeals properly refused to consider whether District Court abused its discretion in denying motion, since to raise and preserve for review a claim of improper impeachment with a prior conviction, a defendant must testify. *Luce v. United States*, p. 38.

3. *Impeachment of witness—Bias in defendant's favor.*—Where (1) at respondent's federal-court trial resulting in a conviction for bank robbery, a cohort, who had pleaded guilty, testified against respondent, (2) respondent called a third-party witness who testified that cohort had admitted to witness that he intended to implicate respondent falsely, and (3) prosecutor recalled cohort who testified that he, respondent, and third-party witness were all members of a secret prison gang that was sworn to perjury and self-protection on each member's behalf, such evidence as to membership in prison gang was sufficiently probative of witness' possible bias in favor of respondent to warrant its admission into evidence to impeach witness. *United States v. Abel*, p. 45.

4. *Multiple-count indictments—Inconsistency of verdicts.*—Where, upon trial on a multiple-count indictment charging violations of federal narcotics laws, jury acquitted respondent on counts charging her with (1) conspiracy to possess cocaine with intent to distribute it, (2) possession of

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cocaine with intent to distribute it, and (3) compound offenses of using telephone to facilitate alleged conspiracy and possession, but jury convicted her on other telephone facilitation counts, such convictions could not be vacated merely because they were inconsistent with acquittal verdicts. *United States v. Powell*, p. 57.

5. *Murder case—Juror's opposition to death penalty—Exclusion for cause.*—Under proper standard, a prospective juror may be excluded for cause in a murder case because of his views in opposition to capital punishment if those views would prevent or substantially impair performance of his duties as a juror in accordance with his instructions and his oath; under facts of instant case, a prospective juror was properly excused for cause in state murder prosecution and federal habeas corpus relief should not have been granted under 28 U. S. C. § 2254. *Wainwright v. Witt*, p. 412.

6. *Police interrogation of accused—Request for counsel.*—Where, as in this case, nothing about an accused's request for counsel during police interrogation or circumstances leading up to request renders it ambiguous, all questioning must cease; any subsequent responses by accused to further interrogation, although relevant to distinct question of waiver of right invoked, may not be used to cast doubt upon clarity of his initial request for counsel. *Smith v. Illinois*, p. 91.

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2. *IRS Summons—Prior judicial approval.*—Where, pursuant to § 7602(a) of Code, Internal Revenue Service, without prior judicial approval, serves a summons on a known taxpayer with dual purpose of investigating both that taxpayer's tax liability and unnamed parties' tax liabilities, it need not comply with § 7609(f) (requiring judicial approval of a summons seeking information on tax liability of unnamed taxpayers), as long as all information sought is relevant to a legitimate investigation of summoned taxpayer. *Tiffany Fine Arts, Inc. v. United States*, p. 310.

3. *Savings and loan associations—Merger as corporate reorganization.*—Where pursuant to a plan to merge a state-chartered stock savings and loan association into a federally chartered mutual savings and loan

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litigants still sought access to agency records and Government still could assert that records were exempt under other FOIA exemptions. *U. S. Department of Justice v. Provenzano*, p. 14.

2. *Liquor license revocation proceedings—Applicability of exclusionary rule—Effect of licensee's going out of business.*—Where (1) petitioner Board revoked respondent business establishment's liquor license on basis of evidence that, in related criminal proceedings, was held to have been obtained in a search of establishment that violated Fourth Amendment, and (2) certiorari was granted to consider whether Fourth Amendment exclusionary rule applied in civil liquor license revocation proceedings, case was rendered moot because establishment subsequently went out of business. *Board of License Comm'rs of Tiverton v. Pastore*, p. 238.

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NATIONAL LABOR RELATIONS BOARD.

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2. *EPA emission standards*.—Applications to stay—pending appeal to Court of Appeals—District Court's order holding Administrator of Environmental Protection Agency in contempt for failing to promulgate certain emission standards for radionuclides as required by District Court's earlier order, are denied. *Thomas v. Sierra Club* (REHNQUIST, J., in chambers), p. 1309.

3. *State-court eminent domain proceedings*.—Application to stay Federal District Court's order granting a preliminary injunction against applicant state agency's commencing state-court eminent domain proceedings under California law to condemn certain geothermal leases obtained by respondent corporation from Federal Government, is denied. *Northern California Power Agency v. Grace Geothermal Corp.* (REHNQUIST, J., in chambers), p. 1306.

4. *State initiative for Constitutional Convention*.—Application to stay Montana Supreme Court's mandate prohibiting placement on ballot of an initiative that would direct Montana Legislature to apply to Congress to call a convention to consider a balanced budget amendment to Federal Constitution, is denied. *Montanans for a Balanced Federal Budget Committee v. Harper* (REHNQUIST, J., in chambers), p. 1301.

5. *Vacation of stay—Deportation of aliens*.—Application to vacate Court of Appeals' partial stay of District Court's order—stay, among other

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things, having refused to delay deportation of a certain class of Cuban nationals who asserted that they would be subject to persecution if returned to Cuba—is denied. *Garcia-Mir v. Smith* (REHNQUIST, J., in chambers), p. 1311.

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2. "*Reasonable cause.*" § 6651(a)(1), Internal Revenue Code of 1954, 26 U. S. C. § 6651(a)(1). *United States v. Boyle*, p. 241.

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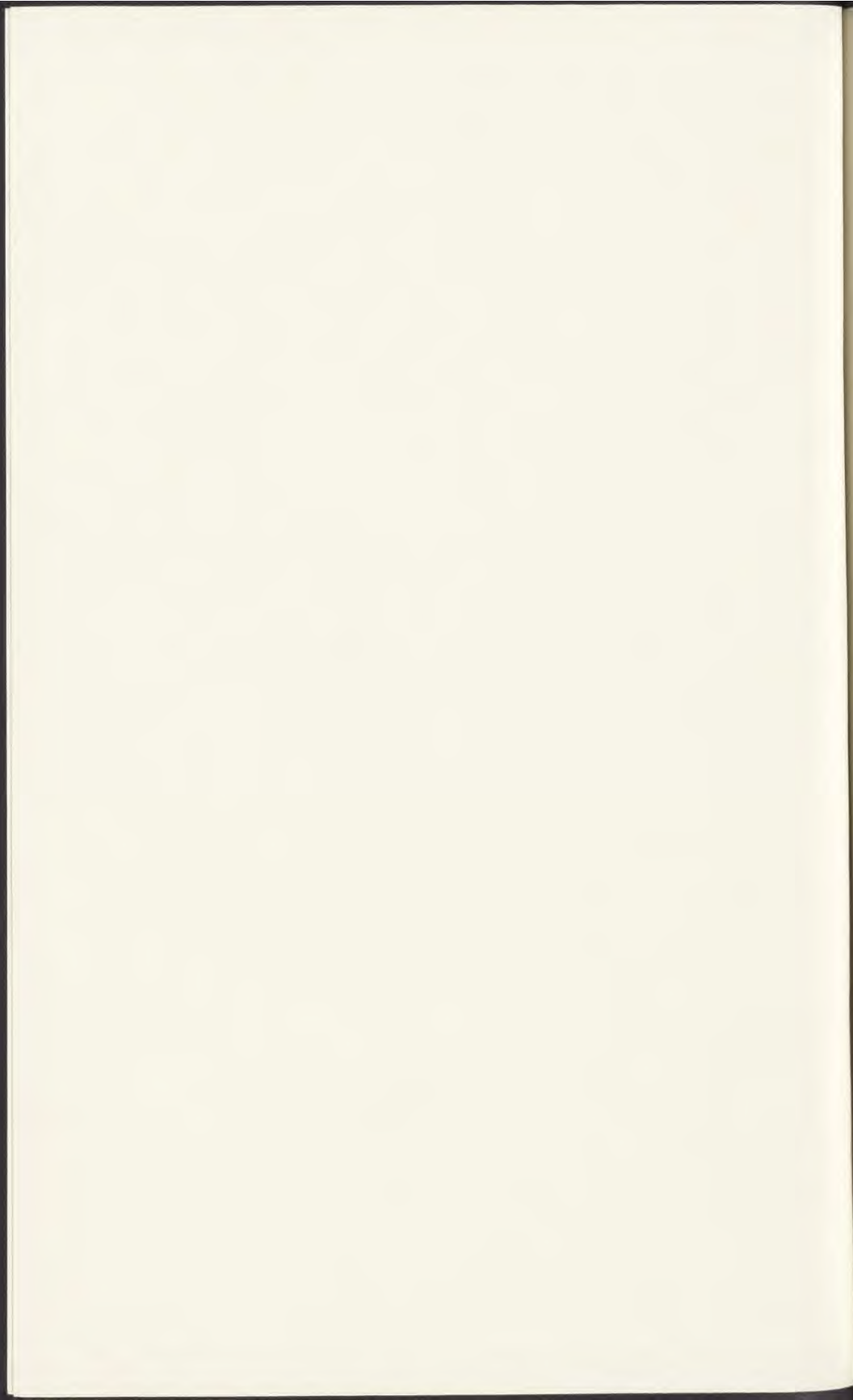
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