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#### **I. Due Process.**

1. *Child-abuse prosecution—Discovery by accused—State agency's investigative reports.*—Where (1) during pretrial discovery, respondent, who was charged with sexual offenses against his minor daughter, subpoenaed a state agency's records of its investigation of immediate charges as well as certain earlier records relating to agency's investigation of another report that respondent's children were abused, (2) after agency refused to comply with subpoena, trial court refused to order disclosure, and (3) on appeal from conviction, Pennsylvania Supreme Court held that trial court violated both Confrontation and Compulsory Process Clauses of Sixth Amendment, and that trial court, on remand, must determine if a new trial was necessary, this Court did not lack jurisdiction on asserted ground that decision below was not final; under governing Fourteenth Amendment due process principles, respondent was entitled to have agency's files reviewed by trial court to determine whether they contained information that probably would have changed trial's outcome, but respondent's counsel was not entitled to personally examine agency's records. *Pennsylvania v. Ritchie*, p. 39.

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violation of Due Process Clause. *Asahi Metal Industry Co. v. Superior Court of Cal.*, Solano County, p. 102.

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*Discharge of employee for refusal to work on Sabbath—Unemployment compensation.*—Where (1) appellant informed her employer that she was joining the Seventh-day Adventist Church and could no longer work at employer's store on her Sabbath, (2) she was discharged for refusing to work on Friday evenings and Saturdays, and (3) her unemployment compensation claim was denied for "misconduct connected with [her] work" under applicable Florida statute, State's refusal to award benefits violated Free Exercise Clause of First Amendment, and award of benefits to appellant would not violate Establishment Clause. *Hobbie v. Unemployment Appeals Comm'n of Fla.*, p. 136.

**IV. Searches and Seizures.**

1. *Administrative search—Exclusionary rule.*—Exclusionary rule does not apply to evidence obtained by police acting in objectively reasonable reliance upon a statute authorizing warrantless administrative searches, but which is subsequently found to violate Fourth Amendment; where an officer—acting under an Illinois statute that required licensed vehicular parts sellers to permit inspection of certain records—(1) entered respondents' wrecking yard, (2) received permission to look at cars in yard, (3) ascertained that some were stolen and one had its identification number removed, and (4) seized cars, and respondents were arrested and charged with various crimes, officer's reliance on statute, which was later held to violate Fourth Amendment, was objectively reasonable, and exclusionary rule was not applicable. *Illinois v. Krull*, p. 340.

2. *Apartment search—"Cursory inspection."*—Where (1) a bullet fired through respondent's apartment floor injured a man on floor below, (2) po-

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lice entered respondent's apartment to search for shooter, any other victims, and weapons, and there seized weapons and discovered a stocking-cap mask, (3) an officer, upon seeing expensive stereo equipment parts, moved some to record their serial numbers, and (4) he phoned in numbers to headquarters and seized a turntable upon being informed that it had been taken in an armed robbery, for which respondent was later indicted, officer's actions came within Fourth Amendment's purview, since moving of equipment was a "search" separate from that which was lawful objective of entering apartment, and was not rendered valid under "plain view" doctrine; officer's action could not be upheld on ground that it was not a "full blown search" but was only a "cursory inspection" justifiable by reasonable suspicion instead of probable cause. *Arizona v. Hicks*, p. 321.

3. *Barn search—Curtilage of ranch house.*—Where (1) federal agents tracked truck transporting chemicals and equipment used for making controlled substances to respondent's barn, which was located outside fence around ranch house, (2) agents crossed other ranch-type fences, led by chemical odors and sound of motor from barn, stopped at locked fence near barn, and shined a flashlight into barn to observe a drug laboratory, and (3) agents ultimately executed a search warrant, arresting respondent and seizing items from barn and house, barn area was not within house's curtilage for Fourth Amendment purposes, and respondent did not, under "open fields" doctrine, otherwise possess an expectation of privacy as to barn sufficient to preclude search. *United States v. Dunn*, p. 294.

4. *Government employer—Search of employee's office.*—Where (1) respondent, a state hospital employee, was placed on administrative leave pending investigation of charges of misconduct and sexual harassment of female employee, (2) hospital officials, allegedly to inventory and secure state property, searched his office and seized personal items from his desk and file cabinets that were used in administrative proceedings resulting in his discharge, and (3) respondent filed a federal-court action, alleging that office search violated Fourth Amendment, procedural posture of case precluded summary judgment for respondent, but government employers' office searches and seizures of their employees' private property are covered by Fourth Amendment. *O'Connor v. Ortega*, p. 709.

5. *Warrant for apartment search—"Wrong" apartment.*—Where (1) police obtained a warrant to search person of one McWebb and "the premises known as 2036 Park Avenue third floor apartment" for controlled substances and related paraphernalia, (2) police reasonably believed that there was only one apartment on described premises, but in fact there were two third-floor apartments, one occupied by McWebb and one by respondent, and (3) before officers were aware that they were in respondent's apartment, they discovered contraband that provided basis for respondent's state-court conviction, warrant, even though authorizing a search that

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turned out to be ambiguous in scope, was valid when issued, and warrant's execution did not violate respondent's Fourth Amendment rights. *Mary-land v. Garrison*, p. 79.

**V. Taking of Private Property.**

1. *Cable television—Use of utility poles.*—Pole Attachments Act, which empowers Federal Communications Commission to determine reasonable rates that utility companies may charge cable television systems for using utility poles for stringing television cable, does not authorize a "taking" of utility property within meaning of Fifth Amendment. *FCC v. Florida Power Corp.*, p. 245.

2. *Coal mining—Mineral estate owners' rights—Validity of state statute.*—Provisions of a Pennsylvania Act and regulations (1) that prohibit coal mining that causes subsidence damage to pre-existing public buildings, dwellings, cemeteries, and water courses, (2) that require 50% of coal beneath such property to be kept in place to provide surface support, and (3) that authorize revocation of mining permits of mineral estate owners whose unlawful coal removal from such property causes damage to surface estate and who do not repair such damage or deposit specified security funds, do not constitute facially a "taking" of private property in violation of Fifth and Fourteenth Amendments, and permit-revocation provisions do not violate Contracts Clause rights of mineral owners who obtained from surface owners waivers of liability for surface damage. *Keystone Bituminous Coal Assn. v. DeBenedictis*, p. 470.

3. *Indian Tribe's riverbed interests—Government's navigational servitude.*—Federal Government's exercise of its Commerce Clause navigational servitude by construction of a navigational channel in a river, which damaged respondent Indian Tribe's riverbed mineral interests, was not a "taking" of private property under Fifth Amendment. *United States v. Cherokee Nation of Okla.*, p. 700.

**CONTAGIOUS DISEASE AS HANDICAP.** See **Rehabilitation Act of 1973.**

**CONTRACTS CLAUSE.** See **Constitutional Law**, V, 2.

**CORPORATE MERGERS.** See **Stays**.

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*Sentencing—Probation—Federal statutes.*—Title 18 U. S. C. § 3147, which provides that a person, such as petitioner, who commits a felony while on release pending judicial proceedings must be sentenced to at least two years' imprisonment in addition to sentence imposed for underlying

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felony, does not divest a sentencing judge of authority under 18 U. S. C. § 3651 to suspend execution of a § 3147 sentence and instead impose a 2-year probation term as more appropriate under circumstances. *Rodriguez v. United States*, p. 522.

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**DISCRIMINATION IN EMPLOYMENT.** See *Civil Rights Act of 1964*; *Constitutional Law*, II; III.

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*Railroad employee—Emotional-injury claim—Arbitration.*—Fact that an injury to a railroad employee was caused by railroad's conduct that may have been subject to Railway Labor Act's provision for arbitration of minor labor disputes—such as respondent employee's alleged emotional injury caused by petitioner employer's condoning harassment by fellow employees—did not deprive employee of his right to bring an FELA action for damages. Atchison, T. & S. F. R. Co. v. Buell, p. 557.

**FEDERAL INCOME TAXES.** See Internal Revenue Code.

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2. *National forest—Mining on federal lands—State permit.*—Neither Forest Service regulations nor federal land use statutes pre-empted appellant California Coastal Commission's requiring appellee to obtain, pursuant to state law, a permit for mining limestone on unpatented federally owned lands in a national forest located in California; case was not moot even though appellee's federally approved 5-year plan for mining on such lands expired during course of litigation. *California Coastal Comm'n v. Granite Rock Co.*, p. 572.

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other than military service, you represent sufficient military service to  
any of your military service. These two periods of military service are not  
separately compensated for and counted. They are to be counted as  
separate periods of military service. Thus, if you have served in the  
Army for 10 years and in the Navy for 10 years, you will receive 20 years  
of military service compensation. This is the same as if you had  
served in the Army for 10 years and in the Navy for 10 years, and  
then had served in the Army for 10 years and in the Navy for 10 years.

2. Compensation for Unemployment. This is 20%.

3. Compensation for Unemployment. This is 20%.

4. Compensation for Unemployment. This is 20%.

5. Compensation for Unemployment. This is 20%.

6. Compensation for Unemployment. This is 20%.

7. Compensation for Unemployment. This is 20%.

8. Compensation for Unemployment. This is 20%.

9. Compensation for Unemployment. This is 20%.

10. Compensation for Unemployment. This is 20%.

11. Compensation for Unemployment. This is 20%.

12. Compensation for Unemployment. This is 20%.

13. Compensation for Unemployment. This is 20%.

14. Compensation for Unemployment. This is 20%.

15. Compensation for Unemployment. This is 20%.

16. Compensation for Unemployment. This is 20%.















