

ORDERS FOR JUNE 24 THROUGH SEPTEMBER 25, 1934

June 24, 1934

Division Under Trial No. 1

No. 23-1734. *McClellan & Mitchell v. United States*.
C. A. No. 1734. Certified judgment under this Court's Rule 55.
Reported below 302 F. 2d 22.

June 24, 1934

Appeal Division (See No. 23-5985, infra.)

Division Under Trial No. 2

REPORTER'S NOTE

The next page is purposely numbered 901. The numbers between 686 and 901 were intentionally omitted, in order to make it possible to publish the orders with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

Stacy v. Railway Labor Executive Assn., 330 U. S. 424, 425. Reported below 302 F. 2d 1027.

No. 23-502. *Railway Labor Executive Assn. v. Atchafalaya & N. W. System Transportation Co.* 330 U. S. 426. Certified judgment, judgment vacated, and case remanded for further consideration in light of *Pittsburgh & Lake Erie R. Co. v. Railway Labor Executive Assn.*, 330 U. S. 427, 1934. Reported below 302 F. 2d 1027.

No. 23-517. *City of Chicago v. Board of Directors of Lake Shore & Michigan Southern R.R. & Eastern Lakes Expressway Assn.* 330 U. S. 428. Certified judgment, judgment vacated, and case remanded for further consideration in light of *Pittsburgh & Lake Erie R. Co. v. Railway Labor Executive Assn.*, 330 U. S. 427, 1934.

In deciding that petitioner waived his right to object to the Coons and Parker testimony, the Court of Criminal Appeals in its initial opinion concentrated almost exclusively on petitioner's failure to object to the admission of the testimony. It is true that the Court of Criminal Appeals also stated that the admission of the testimony was not prejudicial to petitioner's right to a fair trial. But the Court of Criminal Appeals did not state that the admission of the testimony was not prejudicial to petitioner's right to a fair trial. Moreover, even after we remanded for further consideration to *Ex parte Patterson*, a case that was presented exclusively on the Sixth Amendment, the court failed to give any further attention to the Sixth Amendment claim. Because the evidence in *Patterson* was taken from a newspaper article in which it was stated that the admission of the testimony was not prejudicial to petitioner's right to a fair trial, there is no basis for concluding that petitioner's failure to object to the admission of the testimony was not prejudicial to his right to a fair trial. *Ex parte Patterson*, 350 U.S. 155 (1955).

The next page is page 101. The numbers between 101 and 102 were intentionally omitted in order to make it possible to publish the volume with permanent page numbers, thus making the official citation available upon publication of the preliminary prints of the United States Reports.

of this Court, suggests that a *Stare Decisis* upon the issue of the admission of evidence is not a *Stare Decisis* upon the issue of the admission of evidence. It is true that the Court has not yet decided the issue of the admission of evidence, but it is not a *Stare Decisis* upon the issue of the admission of evidence.