

## Syllabus

BELL *v.* KELLY, WARDENCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE FOURTH CIRCUIT

No. 07–1223. Argued November 12, 2008—Decided November 17, 2008

Certiorari dismissed. Reported below: 260 Fed. Appx. 599.

*Richard P. Bress* argued the cause for petitioner. With him on the briefs were *Maureen E. Mahoney*, *J. Scott Ballenger*, *Matthew K. Roskoski*, *Robert Lee*, *Jonathan P. Sheldon*, and *Randi R. Vickers*.

*Katherine B. Burnett*, Senior Assistant Attorney General of Virginia, argued the cause for respondent. With her on the brief were *Robert F. McDonnell*, Attorney General, and *Jerry P. Slonaker*, Senior Assistant Attorney General.\*

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\*Briefs of *amici curiae* urging reversal were filed for Former State Court Judges by *Susan J. Kohlmann*; for the National Association of Federal Defenders et al. by *Andrea D. Lyon*, *Pamela Harris*, and *Frances H. Pratt*; and for the Virginia Association of Criminal Defense Lawyers by *Ashley C. Parrish* and *Marvin D. Miller*.

Briefs of *amici curiae* urging affirmance were filed for the State of Idaho et al. by *Lawrence G. Wasden*, Attorney General of Idaho, and *Jessica M. Lorello*, *L. LaMont Anderson*, and *Kenneth K. Jorgensen*, Deputy Attorneys General, by *Kevin T. Kane*, Chief State's Attorney of Connecticut, and by the Attorneys General for their respective States as follows: *Troy King* of Alabama, *Dustin McDaniel* of Arkansas, *John Suthers* of Colorado, *Joseph R. Biden III* of Delaware, *Bill McCollum* of Florida, *Thurbert E. Baker* of Georgia, *Mark J. Bennett* of Hawaii, *Steve Carter* of Indiana, *Steve Six* of Kansas, *Jack Conway* of Kentucky, *Martha Coakley* of Massachusetts, *Lori Swanson* of Minnesota, *Jim Hood* of Mississippi, *Jeremiah W. (Jay) Nixon* of Missouri, *Mike McGrath* of Montana, *Jon Bruning* of Nebraska, *Catherine Cortez Masto* of Nevada, *Kelly A. Ayotte* of New Hampshire, *Anne Milgram* of New Jersey, *Gary K. King* of New Mexico, *Wayne Stenehjem* of North Dakota, *W. A. Drew Edmondson* of Oklahoma, *Thomas W. Corbett, Jr.*, of Pennsylvania, *Henry D. McMaster* of South Carolina, *Lawrence E. Long* of South Dakota, *Greg Abbott* of Texas, *Mark L. Shurtleff* of Utah, *Robert M. McKenna* of Washington, and *Bruce A. Salzburg* of Wyoming; for the Criminal Justice Legal Foun-

Per Curiam

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

*It is so ordered.*

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dation by *Kent S. Scheidegger*; and for the Virginia Association of Commonwealth's Attorneys by *Joel R. Branscom*.