

SUPREME COURT OF THE UNITED STATES

Mincey v. Arizona

434 U.S. 1343 (1977) · No. A-302 (77-5353) · Decided December 6, 1977

SUMMARY

This is a Supreme Court opinion by Justice Rehnquist denying an application to stay the retrial of a defendant on murder and assault charges pending certiorari. The applicant argued that evidence obtained in violation of constitutional rights would be admitted at trial. The Court held that such evidentiary claims can be adequately vindicated through normal post-trial review, so a stay of the trial is not warranted.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Rehnquist
JURISDICTION	Federal
DECIDED	December 6, 1977
DOCKET	A-302 (77-5353)
DISPOSITION	other
PROCEDURAL POSTURE	Application for stay of retrial pending certiorari
PRECEDENTIAL VALUE	Published
PARTIES	Rufus Junior Mincey v. State of Arizona

TOPICS

- criminal procedure
- evidence
- constitutional law
- double jeopardy
- exclusionary rule

PRACTICE AREAS

- Criminal Law
- Constitutional Law

QUESTIONS PRESENTED

- Whether the applicant is entitled to a stay of his retrial pending disposition of his petition for certiorari.

HOLDINGS

1. A stay of retrial is not warranted when the constitutional claims concern the admission of evidence, because such claims can be vindicated through post-trial review and do not implicate the Double Jeopardy Clause's protection against a second trial.

KEY QUOTATIONS

"The federal constitutional right asserted by applicant is not one such as is conferred by the Double Jeopardy Clause of the Fifth Amendment where the protection extends not only to incarceration following trial in violation of the prohibition but to the subjection of the defendant to a second trial at all." (at 1344)

"Applicant's constitutional claims are based on constitutional prohibitions against the admission of certain evidence at trial, and will be sufficiently vindicated if he be freed from incarceration as a result of a conviction had in reliance on such evidence." (at 1344)

FACTUAL BACKGROUND

Applicant was convicted of murder, assault, and related drug offenses arising from an incident at an apartment he leased in Tucson, Arizona. The Arizona Supreme Court reversed the murder and assault convictions due to erroneous jury instructions but affirmed the drug convictions. Applicant seeks a stay of his retrial on the murder and assault counts, arguing that evidence obtained in violation of his constitutional rights will be admitted.

PROCEDURAL HISTORY

Applicant was convicted of murder, assault, and drug offenses. The Supreme Court of Arizona reversed the murder and assault convictions due to erroneous jury instructions but affirmed the drug convictions. Applicant seeks a stay of his retrial on the murder and assault counts pending disposition of his petition for certiorari.

DISPOSITION

other

CASES CITED

- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Stefanelli v. Minard*, 342 U.S. 117 (1951)