

BREYER, J., dissenting

SUPREME COURT OF THE UNITED STATES

MARYLAND v. KEVIN DARNELL DYSON

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF
SPECIAL APPEALS OF MARYLAND

No. 98–1062. Decided June 21, 1999

JUSTICE BREYER, with whom JUSTICE STEVENS joins,
dissenting.

I agree that the Court's *per curiam* opinion correctly states the law, but because respondent's counsel is not a member of this Court's bar and did not wish to become one, respondent has not filed a brief in opposition to the petition for certiorari. I believe we should not summarily reverse in a criminal case, irrespective of the merits, where the respondent is represented by a counsel unable to file a response, without first inviting an attorney to file a brief as *amicus curiae* in response to the petition for certiorari. For this reason, I dissent from the *per curiam* opinion.