Vote by Blackmun Curbs Liberal View OnSuspect's Rights

By FRED P. GRAHAM Special to The New York Times

WASHINGTON, Dec. 15-Justice Harry A. Blackmun, the Supreme Court's newest member, cast the decisive vote today as the Court limited one of the liberal hold-

ings of the Warren Court for the protection of criminal

defendants' rights.

Justice Blackmun and President Nixon's other appointee, Chief Justice Warren E. Burger, joined with three conservative holdovers from the Warren Court in a 5-to-4 ruling upholding a murder conviction.

The decision cleared the way for state courts to use hearsay evidence that would not be admissible in Federal trials. It also provided an early indication that President Nixon may have already delivered on his campaign pledge to mold a Supreme Court majority that will take a tougher line on the rights

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The continued From Page 1, Col. 2 of criminal defendants.

Justices John M. Harlan, Potter Stewart and Byron R. White also voted to uphold the conviction. The case had been considered last year by the eightmember Court, which deadlocked and ordered new arguments this fall after Justices Blackmun became available to cast the "swing" vote.

The four dissenting justices were Thurgood Marshall, William J. Brennan Jr., Hugo L. Black and William O. Douglas, who frequently joined with former Chief Justice Earl War
Justices John M. Harlan, Potter Stewart and Byron R. White also voted to uphold the conviction. The case had been consistent with recent opinions of the statements when made by conspirators.

The case concerned Alex S. Evans, who was sentenced to death in connection with the multiple of the policement of control to the rule against hear-say testimony, and Georgia had a law that admitted such result would bring "a moment of clamor against the Bill of clamor against the states on when made by conspirators.

The case concerned Alex S. Evans, who was sentenced to death in connection with the multiple count held that the states are bound by the provision of the Sixth Amendment that gives defendants the right to be confronted by the witnesses against them. In subsequent rulings the Supreme Court implied that this might invalidate any hearsay exception that did mot permit the defendant's law-yer to cross-examine the permit had acted to dath the majority had acted to dath the rule against the Bill of Rights."

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previously said that in Federal trials, hearsay testimony of coconspirators would not be admitted.

The United States Court of Appeals for the Fifth Circuit overturned Evans's conviction overturned Evans's conviction and declared the Georgia hears.

The United States Court of Appeals for the Fifth Circuit overturned Evans's conviction overturned Evans's conviction opinion stating that additional current opinion stating that additional courts. In this case, he sharply restricted a liberal ruling of the Warren Court. On Nov. 23 the five Justices that composed today's majority, plus Justice Black, held in a 6-to-3 decision that a guilty plea can be valid even if the defendant insists that he is in-

the co-conspirator would not be admitted.

The United States Court of Appeals for the Fifth Circuit overturned Evans's conviction and declared the Georgia hearsay law unconstitutional. Its reasoning was that the law permitted the jury to hear the co-conspirator's statement, yebecause the co-conspirator did not testify, Evans's lawyer could not cross-examine him. Today the Supreme Court overturned that ruling and upheled the Georgia law, although the majority's five members did not agree why.

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Justice Senjamin N. Cardozo:

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