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## REVIEW DELAYED ON MIRANDA CASE

### High Court Finds a Flaw in Appeal on Confessions

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WASHINGTON, April 24 — The Supreme Court put off today a review of the Warren Court's *Miranda v. Arizona* decision on confessions because of a technical flaw in the appeal.

The appeal was to have been the vehicle for the Justices' reconsideration of the controversial 1966 *Miranda* ruling, under which confessions may not be used in evidence unless the suspect was warned of his rights to dilence and to counsel before he was interrogated by the police.

In a brief announcement, the Court denied a petition for review, which raised the question whether the *Miranda* ruling should be overturned and which had been granted by the Justices on March 20.

The Court's March 20 action created wide public interest because the appeal by state prosecutors in Philadelphia confronted the Burger Court with a direct challenge to the Warren Court's confessions doctrine.

In their appeal, the Philadelphia prosecutors asserted that Congress had rejected the *Miranda* doctrine in the 1968 Omnibus Crime Control Act and that the Supreme Court should return to its old "voluntariness" test for confessions.

The Supreme Court announced today that it would not hear the appeal, known as *Pennsylvania v. Ware*, because there was an adequate basis for the lower court's decision in the state law of Pennsylvania and that the Federal legal issues were thus not reviewable.

When the Justices agreed to hear the case March 20, they apparently noticed that the Supreme Court of Pennsylvania relied upon a state rule of law, as well as the *Miranda* case, when it threw out a nine-year-old confession.

The Pennsylvania court said in its opinion that it had adopted as state law the United States Supreme Court's rule that old confessions would be held inadmissible if they were first introduced as evidence after the date of the *Miranda* decision and if they did not comply with the restrictions laid down in the *Miranda* case.

Other appeals challenging the *Miranda* doctrine are on the Supreme Court's docket and are working their way up through the lower courts. Thus, the Burger Court, if it wishes, may take up the *Miranda* question again by agreeing to review one of these.