

Statement of STEVENS, J.

SUPREME COURT OF THE UNITED STATES

RONNIE JOSEPH v. UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06–5590. Decided January 16, 2007

The petition for a writ of certiorari is denied.

Statement of JUSTICE STEVENS respecting the denial of the petition for writ of certiorari.

In *Dickerson v. United States*, 530 U. S. 428 (2000), we held that the first sentence of 18 U. S. C. §3501(a) is unconstitutional. In this case the Court of Appeals affirmed the District Court’s rejection of the petitioner’s request for an instruction relating to the voluntariness of her confession—an instruction that the third sentence of §3501(a) requires. The Court of Appeals reasoned that *Dickerson* had invalidated all of §3501 and not just the first sentence. As the Solicitor General concedes, that holding was erroneous. While I am persuaded that the arguably harmless character of the trial judge’s error provides a proper reason for denying the petition for certiorari, I think it important to note that our denial does not endorse the incorrect reasoning in the opinion of the Court of Appeals.