

SOUTER, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 96–8422

SILLASSE BRYAN, PETITIONER v. UNITED STATES

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

[June 15, 1998]

JUSTICE SOUTER, concurring

I join in the Court's opinion with the caveat that if petitioner had raised and preserved a specific objection to the erroneous statement in the jury instructions, see Part V, *ante*, at 15–16, I would vote to vacate the conviction.