

Alexander Vs. Virginia

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Court : US Supreme Court

Decided On : Jun-25-1973

Appeal No. : 413 U.S. 836

Appellant : Alexander

Respondent : Virginia

Judgement :

Alexander v. Virginia - 413 U.S. 836 (1973)

U.S. Supreme Court Alexander v. Virginia, 413 U.S. 836 (1973)

Alexander v. Virginia

No. 71-1315

Argued October 19, 1972

Decided June 25, 1973

413 U.S. 836

CERTIORARI TO THE SUPREME COURT OF VIRGINIA

SYLLABUS

The judgment of the Supreme Court of Virginia, affirming the trial court's order adjudging certain magazines obscene and restraining their sale, is vacated and remanded for further proceedings consistent with *Miller v. California, ante*, p. [413 U. S. 15](#) ; *Paris Adult Theatre I v. Slaton, ante*, p. [413 U. S. 49](#) ; and *Heller v. New York, ante*, p. [413 U. S. 483](#) . Trial by jury is not constitutionally required in this civil action pursuant to Va.Code Ann. 18.1-236.3.

212 Va. 554, 186 S.E.2d 43, vacated and remanded.

PER CURIAM.

The judgment of the Supreme Court of Virginia is vacated, and the case is remanded for further proceedings not inconsistent with *Miller v. California, ante* at [413 U. S. 23](#) -25, *Paris Adult Theatre I v. Slaton, ante* at [413 U. S. 58](#) n. 7, and *Heller v. New York, ante* p. [413 U. S. 483](#) . See *United States v. 12 200-ft. Reels of Film, ante* at [413 U. S. 129](#) -130 and n. 7. A trial by jury is not constitutionally required in this state civil proceeding pursuant to 18.1-236.3 of the Code of Virginia, 1950, as amended. See *Melancon v. McKeithen*, 345 F.Supp. 1025, 1027, 1035-1045, 1048 (ED La.), *aff'd sub nom. Mayes v. Ellis*, 409 U.S. 943 (1972), and *Hill v. McKeithen*,

Page 413 U. S. 837

409 U.S. 943 (1972). Cf. *Kingsley Books, Inc. v. Brown*, [354 U. S. 436](#) , [354 U. S. 443](#) -444 (1957).

Vacated and remanded.

MR. JUSTICE DOUGLAS would reverse the judgment of the Supreme Court of Virginia. See *Miller v. California, ante* p. [413 U. S. 37](#) (DOUGLAS, J., dissenting).

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

I would reverse the judgment of the Supreme Court of Virginia and remand the case for further proceedings not inconsistent with my dissenting opinion in *Paris Adult Theatre I v. Slaton*, ante, p. [413 U. S. 73](#) . See my dissent in *Miller v. California*, ante, p. [413 U. S. 47](#) .

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