

BREYER, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 07–1529

JESSE JAY MONTEJO, PETITIONER *v.*
LOUISIANA

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
LOUISIANA

[May 26, 2009]

JUSTICE BREYER, dissenting.

I join JUSTICE STEVENS’ dissent except for footnote 5. Although the principles of *stare decisis* are not inflexible, I believe they bind the Court here. I reached a similar conclusion in *Arizona v. Gant*, 556 U. S. ___, ___–___ (2009) (slip op., at 1–2) (BREYER, J., dissenting), and in several other recent cases. See, e.g., *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 551 U. S. 877, ___–___ (2007) (slip op., at 17–19) (BREYER, J., dissenting); *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U. S. 701, ___–___ (2007) (slip op., at 65–66) (BREYER, J., dissenting); *Federal Election Comm’n v. Wisconsin Right to Life, Inc.*, 551 U. S. 449, ___–___ (2007) (slip op., at 31–32) (SOUTER, J., dissenting); *Bowles v. Russell*, 551 U. S. 205, 219–220 (2007) (SOUTER, J., dissenting); *Gonzales v. Carhart*, 550 U. S. 124, 190–191 (2007) (GINSBURG, J., dissenting); *District of Columbia v. Heller*, 554 U. S. ___, ___–___ (2008) (slip op. at 41–45) (STEVENS, J., dissenting).