

BREYER, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 04–6964

JAY SHAWN JOHNSON, PETITIONER *v.*
CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, FIRST APPELLATE DISTRICT

[June 13, 2005]

JUSTICE BREYER, concurring.

I join the Court’s opinion while maintaining here the views I set forth in my concurring opinion in *Miller-El v. Dretke, post*, p.____.