

**SUPREME COURT OF THE UNITED
STATES**

No. 93-1340

UNITED STATES, PETITIONER v.
GARY MEZZANATTO

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT
[January 18, 1995]

JUSTICE GINSBURG, with whom JUSTICE O'CONNOR and
JUSTICE BREYER join, concurring.

The Court holds that a waiver allowing the Govern-
ment to impeach with statements made during plea
negotiations is compatible with Congress's intent to
promote plea bargaining. It may be, however, that a
waiver to use such statements in the case-in-chief
would more severely undermine a defendant's
incentive to negotiate, and thereby inhibit plea
bargaining. As the Government has not sought such
a waiver, we do not here explore this question.