

SUPREME COURT OF THE UNITED STATES

Pettibone v. Nichols

203 U.S. 192 (1906) · No. No. 249 · Decided December 3, 1906

SUMMARY

The Supreme Court considered whether a person held in Idaho after being brought from Colorado through alleged fraud and improper extradition procedures was entitled to discharge on federal habeas corpus. The Court held that the methods used to bring the accused into Idaho did not create a federal constitutional or statutory exemption from prosecution there, and affirmed the lower court's judgment. The opinion applied principles from *Ker v. Illinois* and *Mahon v. Justice* concerning unlawful removal across state lines.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Harlan; Justice McKenna
JURISDICTION	Federal
DECIDED	December 3, 1906
DOCKET	No. 249
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court of the United States for the District of Idaho after the court quashed a federal habeas corpus writ and remanded Pettibone to state custody under an Idaho murder indictment.
STANDARD OF REVIEW	The Supreme Court accepted as true the legally material allegations in the habeas application because the application had been stipulated to serve as the answer to the return, but reviewed the lower court's exercise of habeas corpus discretion and its legal conclusion concerning the relevance of the methods used to bring Pettibone into Idaho.
PRECEDENTIAL VALUE	Published Supreme Court opinion; binding precedent at the time of decision.
PARTIES	Pettibone v. Nichols

TOPICS

federal habeas corpus

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PRACTICE AREAS

Federal habeas corpus

Interstate extradition

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Constitutional law

Federalism

QUESTIONS PRESENTED

1. Whether a federal court should grant habeas corpus to release a person held by state authorities for trial when the person alleges that state officials fraudulently or unlawfully procured his removal from another state.
2. Whether the methods by which Idaho obtained custody of Pettibone, including alleged fraud, conspiracy, and denial of an opportunity to challenge extradition in Colorado, rendered his detention in Idaho unlawful under the Constitution or laws of the United States.
3. Whether a federal court must permit a person held under a state indictment to litigate in federal habeas corpus whether he was actually a fugitive from the demanding state.

HOLDINGS

1. Except in an emergency demanding prompt action, a federal court ordinarily should leave a person held by a state for trial to stand trial in the state court, which is presumed able to enforce federal constitutional rights.
2. A person held in actual state custody for trial under a valid state indictment is not entitled to federal habeas release merely because the state allegedly used fraud, conspiracy, unlawful violence, or improper extradition procedures to obtain custody.
3. The Constitution and laws of the United States did not require Idaho's agent to time Pettibone's arrest and removal from Colorado so as to provide a convenient opportunity to seek judicial review there before transportation to Idaho.

KEY QUOTATIONS

"The duty of a Federal court to interfere, on habeas corpus, for the protection of one alleged to be restrained of his liberty in violation of the Constitution or laws of the United States, must often be controlled by the special circumstances of the case, and unless in some emergency demanding prompt action the party held in custody by a State and seeking to be enlarged will be left to stand his trial in the state court" (201-202)

"That question was determined in the negative in the Ker case and Mahon's case. It was there adjudged that in such a case neither the Constitution nor laws of the United States entitled the person so held to be discharged from custody and allowed to depart from the State." (216)

"We perceive no error in the action of the Circuit Court and its final order is Affirmed." (217)

FACTUAL BACKGROUND

Pettibone was indicted in Idaho for the murder of Frank Steunenberg and was held in Idaho custody for trial. He alleged that Idaho and Colorado officials conspired to obtain his arrest and removal from Colorado through

fraudulent extradition papers, while denying him a meaningful opportunity to seek judicial relief before removal. After he was brought to Idaho, he sought federal habeas corpus, claiming that he was not a fugitive from Idaho justice and that the manner of his removal violated federal constitutional and statutory rights.

PROCEDURAL HISTORY

Pettibone was arrested in Colorado and transported to Idaho pursuant to interstate extradition proceedings. After an Idaho grand jury indicted him for murder, he sought habeas corpus in the Supreme Court of Idaho and then in the federal Circuit Court in Idaho, alleging that his presence in Idaho had been obtained through fraud and conspiracy and that he was not a fugitive from Idaho justice. The federal court struck his answer as immaterial, quashed the writ, and remanded him; the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Robb v. Connolly, 111 U.S. 624, 637, 639
- Ex parte Royall, 117 U.S. 241, 251, 253
- Ex parte Fonda, 117 U.S. 516
- New York v. Eno, 155 U.S. 89, 93
- Cook v. Hart, 146 U.S. 183, 192
- Minnesota v. Brundage, 180 U.S. 499, 501
- Reid v. Jones, 187 U.S. 153
- Riggins v. United States, 199 U.S. 547, 549
- Ex parte Reggel, 114 U.S. 642, 652-653
- Munsey v. Clough, 196 U.S. 364, 372, 374
- Roberts v. Reilly, 116 U.S. 80
- Hyatt v. Corkran, 188 U.S. 691, 713, 719
- Ker v. Illinois, 119 U.S. 436
- Mahon v. Justice, 127 U.S. 700
- Lascelles v. Georgia, 148 U.S. 537, 543
- Adams v. New York, 192 U.S. 585, 596
- In re Johnson, 167 U.S. 120, 127
- In re Moore, 75 Fed. Rep. 821
- Bank of Augusta v. Earle, 13 Pet. 519, 589
- Ex parte Scott, 9 B. & C. 446