

Moyer Vs. Nichols

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Court : US Supreme Court

Decided On : Dec-03-1906

Appeal No. : 203 U.S. 221

Appellant : Moyer

Respondent : Nichols

Judgement :

Moyer v. Nichols - 203 U.S. 221 (1906)

U.S. Supreme Court Moyer v. Nichols, 203 U.S. 221 (1906)

Moyer v. Nichols

No. 250

Argued October 10, 11, 1906

Decided December 3, 1906

203 U.S. 221

APPEAL FROM THE CIRCUIT COURT OF THE

UNITED STATES FOR THE DISTRICT OF IDAHO

SYLLABUS

Pettibone v. Nichols, ante, p. 192, followed.

85 P. 897, 902, affirmed.

The facts are stated in the opinion.

MR. JUSTICE HARLAN delivered the opinion of the Court.

This case does not differ, in principle or in its facts, from *Pettibone v. Nichols*, just decided. Moyer was also charged with the murder of Steunenberg, and was arrested in Colorado, upon the warrant of the governor of that state, and taken to Idaho, and delivered to its authorities. He was embraced in the same indictment with Pettibone, and was held in custody for trial under that indictment. He sued out a writ of habeas corpus from the Supreme Court of Idaho, but the writ was

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dismissed by that court (*Ex Parte Moyer*, 85 P. 897), and a writ of error has been prosecuted to this Court. That is case No. 266 on our present docket. He then sued out a writ of habeas corpus from the circuit court of the United States, and his discharge being refused by the court, he prosecuted the present appeal.

For the reason stated in *Pettibone's* case, the final order is

Affirmed.

MR. JUSTICE Mc KENNA dissents.

The final order of the Circuit Court of the United States for Idaho, in *Haywood v. Nichols*, No. 251, on appeal, is affirmed on the authority of *Pettibone v. Nichols*, [203 U. S. 192](#) , from which, as to the facts or the questions involved, it does not differ. The orders in *Pettibone v. Whitney*, No. 265, *Morey v. Whitney*, No. 266, and *Haywood v. Whitney*, No. 267 -- each of which cases is here upon writ of error to the Supreme Court of Idaho, involves the same question as those

determined in *Pettibone v. Nichols*, and by agreement is to depend upon the judgment in that case -- must also be affirmed.

It is so ordered.

MR. JUSTICE Mc KENNA dissents.

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