Woolsey Vs. Best

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Court : US Supreme Court

Decided On : Oct-12-1936

Appeal No. : 299 U.S. 1

Appellant : Woolsey

Respondent : Best

Judgement :

Woolsey v. Best - 299 U.S. 1 (1936)
U.S. Supreme Court Woolsey v. Best, 299 U.S. 1 (1936)

Woolsey v. Best

No. 256

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Decided October 12, 1936

299 U.S. 1

APPEAL FROM THE SUPREME COURT OF COLORADO

SYLLABUS

1. Where there has been a trial for a statutory offense in a state court having jurisdiction, and conviction has been affirmed by the Supreme Court of the State, the party convicted has no federal right to attack the judgment collaterally in the state courts by raising in habeas corpus a federal question concerning the validity of the statute defining the offense which was not raised, but could have been raised, in the earlier proceedings. P. 299 U. S. 2 .

2. An appeal from a state court will be dismissed if it does not appear that the decision complained of was not based upon an adequate nonfederal ground. *Id.*

Appeal dismissed.

PER CURIAM.

Appellant brought this proceeding in the Supreme Court of Colorado to obtain a writ of habeas corpus. His petition was denied without opinion. It appears that appellant was held pursuant to conviction for violation

of 2676, C.L.1921, being 40, c. 44, Sess.Laws 1913, of the laws of Colorado (*see also* 2740, C.L.1921, being 85, chapter 44 of Session Laws of 1913), the judgment of conviction having been affirmed by the Supreme Court of the state. *Woolsey v. People,* 98 Colo. 62, 53 P.2d 596.

It is well established that the writ of habeas corpus cannot be used as a writ of error. This is the rule in Colorado as well as in this Court. The judgment of conviction was not subject to collateral attack. *People ex rel. Burchinell v. District Court,* 22 Colo. 422, 45 P. 402; *Martin v. District Court,* 37 Colo. 110, 115, 86 P. 82; *Chemgas v. Tynan,* 51 Colo. 35, 116 P. 1045; *In re Arakawa,* 78 Colo.193, 196, 240 P. 940; *In re Nottingham,* 84 Colo. 123, 128, 268 P. 587. *Compare Harlan v. McGourin,* 218 U. S. 442 ; *Riddle v. Dyche,* 262 U. S. 333 ; *Craig v. Hecht,* 263 U. S. 255 , 263 U. S. 277 ; *Knewel v. Egan,* 268 U. S. 442 , 268 U. S. 445 -446; *Cox v. Colorado,* 282 U.S. 807. It is apparent from the record submitted that the state court had jurisdiction to try the appellant for violation of the

statute in question and that any federal question properly raised as to the validity of the statute could have been heard and determined on appeal to this Court from the final judgment in that action. The Supreme Court of the state was not required by the Federal Constitution to entertain such questions on the subsequent petition for habeas corpus, and it does not appear that its denial of the petition did not rest upon an adequate nonfederal ground. *Lynch v. New York,* 293 U. S. 52 , and cases there cited. The appeal is dismissed for the want of jurisdiction.

Dismissed.