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Chessman Vs. Teets

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Court : US Supreme Court

Decided On : Oct-17-1955

Appeal No. : 350 U.S. 3

Appellant : Chessman

Respondent : Teets

Judgement :

Chessman v. Teets - 350 U.S. 3 (1955)
U.S. Supreme Court Chessman v. Teets, 350 U.S. 3 (1955)

Chessman v. Teets

No. 196

Decided October 17, 1955

350 U.S. 3

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED

STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SYLLABUS

Petitioner applied to a Federal District Court for a writ of habeas corpus, claiming that his automatic appeal to the California Supreme Court from a conviction for a capital offense had been heard upon a fraudulently prepared transcript of the trial proceedings.

Held: his application alleged a denial of due process of law in violation of the Fourteenth Amendment; it should not have been summarily dismissed, and the case is remanded to the District Court for a hearing.

221 F.2d 27 reversed.

PER CURIAM.

Petitioner applied to the United States District Court, Northern District of California, Southern Division, for a writ of habeas corpus, claiming that his automatic appeal to the California Supreme Court from a conviction for a capital offense had been heard upon a fraudulently prepared transcript of the trial proceedings. The official court reporter had died before completing the transcription of his stenographic notes of the trial, and petitioner alleges that the prosecuting attorney and the substitute reporter selected by him had, by corrupt arrangement, prepared the fraudulent transcript. On the record before us, there is no denial of petitioner's allegations. The District Court, without issuing the writ or an order to show cause, dismissed the application as not stating a cause of action. 128 F.Supp. 600. The Court of Appeals affirmed the order of the District Court. 221 F.2d 276. The charges of fraud as such set forth a denial of due process of law in violation of the

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Fourteenth Amendment. *See Mooney v. Holohan,* 294 U. S. 103 . Without intimating any opinion regarding the validity of the claim, we hold that, in the circumstances disclosed by the record before us, the application should not have been summarily dismissed. Accordingly, the petition for a writ of certiorari is granted, the judgment of the Court of Appeals is reversed, and the case is remanded to the District Court for a hearing.

MR. JUSTICE REED, MR. JUSTICE BURTON, and MR. JUSTICE CLARK dissent.

THE CHIEF JUSTICE took no part in the consideration or decision of this case.

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