

**MALLEY V. COX, 71 N.M. 319, 378 P.2d 137 (S. Ct. 1963)**

**Gene MALLEY, Petitioner,  
vs.  
Harold A. COX, Warden, Penitentiary of New Mexico,  
Respondent**

No. 22 HC

SUPREME COURT OF NEW MEXICO

1956-NMSC-001, 71 N.M. 319, 378 P.2d 137

February 07, 1963

**JUDGES**

Compton, Chief Justice, and Carmody, Chavez, Noble and Moise, Justices, concurring.

**OPINION**

{\*319} Original Habeas Corpus Proceeding.

Order that the request for free process be and the same is hereby granted, and the petition for writ of habeas corpus be and the same is hereby denied for failure of petitioner to exhaust District Court remedy.