

**VAUGHN V. MONTGOMERY, 1963-NMSC-141, 72 N.M. 360, 384 P.2d 135 (S. Ct. 1963)**

**H. Marvin VAUGHN, Petitioner,  
vs.  
A. K. MONTGOMERY, President, the Corporation, Penitentiary  
of New Mexico, a New Mexico Corporation, Respondent**

No. 34 HC

SUPREME COURT OF NEW MEXICO

1963-NMSC-141, 72 N.M. 360, 384 P.2d 135

August 06, 1963

**JUDGES**

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

**OPINION**

{\*360} Original Habeas Corpus Proceeding. Ordered that free process be and the same is hereby granted.

Further ordered that the petition for writ of habeas corpus be and the same is hereby denied for petitioner's failure to exhaust District Court remedy.