

Haas v. Grafton County CV-94-385-M 12/10/96
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Joseph Haas

v.

Civil No. 94-385-M

Grafton County Jail

O R D E R

Joseph Haas, appearing pro se, petitions for a writ of habeas corpus pursuant to 28 U.S.C.A. § 2254, on the grounds that he was convicted of criminal contempt without a jury trial. This court held that Haas was not entitled to habeas relief on the Sixth Amendment grounds that he asserted but granted him an opportunity to clarify his petition if he had intended to assert other grounds for relief. Haas has responded and claims a right to a jury trial based on various provisions of the New Hampshire Constitution, 18 U.S.C.A. § 3692, and Article III, Section 2, Clause 3 of the United States Constitution.

As § 2254(a) provides for habeas relief only if the petitioner is "in custody in violation of the Constitution or laws or treaties of the United States," Haas's state constitutional grounds are insufficient to sustain his petition. The federal statute providing for jury trials for contempt in labor dispute cases, 18 U.S.C.A. § 3692, is inapplicable to this case as Haas's contempt conviction was based on state, not federal law, and did not involve a labor dispute within the meaning of the statute. Finally, as was thoroughly discussed in this court's previous order in the context

of Haas's Sixth Amendment claim, neither Article III nor the Sixth Amendment of the United States Constitution requires a jury trial in criminal contempt cases that impose less than six months imprisonment and an insignificant fine on the contemnor. See, e.g., Dyke v. Taylor Implement Mfg. Co., 391 U.S. 216, 219 (1968); see also Order in this case dated November 7, 1996.

Accordingly, Haas's petition for a writ of habeas corpus is denied. The case shall be closed.

SO ORDERED.

Steven J. McAuliffe
United States District Judge

December 10, 1996

cc: Joseph Sanders Haas, Jr.
Wayne P. Coull, Esq.