

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD G. JOHNSON,	§
	§ No. 611, 2005
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
RAPHAEL WILLIAMS et al.,	§ C.A. No. 05M-11-086
	§
Respondents Below-	§
Appellees.	§

Submitted: March 24, 2006

Decided: May 31, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 31st day of May 2006, it appears to the Court that:

(1) The petitioner-appellant, Ronald G. Johnson, filed an appeal from the Superior Court's November 22, 2005 order denying his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we **AFFIRM**.

(2) In April 2005, Johnson was arrested by police following a domestic violence incident. After a preliminary hearing in the Court of Common Pleas, Johnson was bound over for trial in the Superior Court. In May 2005, Johnson was charged by the grand jury with several criminal

offenses. He is currently awaiting trial and is being held by the Department of Correction in default of bail.

(3) In his petition for a writ of habeas corpus, Johnson claimed that his indictment was obtained by fraud, there was no probable cause for his arrest, and he is innocent of the crimes with which he has been charged. In his appeal, Johnson claims that he should be released because the Attorney General's office has failed to provide any grounds for holding him in custody.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.¹ Habeas corpus only provides “an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment.”² “Habeas corpus relief is not available to ‘[p]ersons committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.’”³

(5) There is no basis for the issuance of a writ of habeas corpus in this case. Johnson has not demonstrated that the Superior Court lacked

¹ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

² *Id.*

³ *Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)).

jurisdiction to indict him or that the charges against him were invalid on their face.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice