

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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| JAMES ARTHUR BIGGINS, | § |
| | § No. 263, 2007 |
| Petitioner Below- | § |
| Appellant, | § |
| | § Court Below—Superior Court |
| v. | § of the State of Delaware |
| | § in and for Sussex County |
| STATE OF DELAWARE, | § C.A. No. 07M-04-026 |
| | § |
| Respondent Below- | § |
| Appellee. | § |

Submitted: July 12, 2007
Decided: August 14, 2007

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

ORDER

This 14th day of August 2007, it appears to the Court that:

(1) The petitioner-appellant, James Arthur Biggins, filed an appeal from the Superior Court’s denial of his petition for a writ of habeas corpus. The respondent-appellee, the State of Delaware, has moved to affirm the Superior Court’s judgment on the ground that it is manifest on the face of the opening brief that the appeal is without merit.¹ We agree and affirm.

(2) In August 1997, a Superior Court jury found Biggins guilty of three counts of Unlawful Sexual Intercourse in the Second Degree, Unlawful Imprisonment in the Second Degree, and Assault in the Third Degree. He

¹ Supr. Ct. R. 25(a).

was sentenced to a total of 30 years at Level V imprisonment. Biggins' convictions and sentences were affirmed by this Court on direct appeal.²

(3) In April 2007, Biggins filed a petition for a writ of habeas corpus on the ground that he was improperly transferred to administrative segregation following the issuance of a misconduct report. The Superior Court denied the petition and Biggins filed the instant appeal.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.³ 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.”⁴ “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.’”⁵

(5) In this case, Biggins has not demonstrated that the Superior Court lacked jurisdiction over him or that there was an irregularity in his commitment. Moreover, Biggins' complaints relate solely to prison management and/or classification decisions, subject matter that this Court

² *Biggins v. State*, Del. Supr., No. 468, 1997, Walsh, J. (Nov. 24, 1999).

³ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

⁴ *Id.*

⁵ *Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)).

previously has held to be improper for a habeas corpus petition.⁶ As such, habeas corpus relief is not available to Biggins and the Superior Court properly so determined.

(6) It is manifest on the face of the opening brief that Biggins' appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

⁶ *Dorbolo v. Sullivan*, 450 A.2d 1185, 1186 (Del. 1982).