

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES A. WILSON,	§	
	§	No. 406, 2009
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Kent County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	C.A. No. 09M-06-009
Appellee.	§	

Submitted: October 23, 2009
Decided: November 3, 2009

Before **HOLLAND, BERGER** and **RIDGELY**, Justices

ORDER

This 3rd day of November 2009, it appears to the Court that:

(1) The appellant, James A. Wilson, filed an appeal from the Superior Court's July 2, 2009 denial of his petition for a writ of habeas corpus. The appellee, State of Delaware, has moved to affirm the Superior Court's judgment on the ground that it is manifest on the face of Wilson's opening brief that the appeal is without merit.

(2) On October 13, 2009, the Court directed that the State respond to Wilson's assertions that he had completed all sentences. The State filed its answer on October 23, 2009. Upon consideration of Wilson's opening brief,

the State's motion to affirm, and the State's answer filed on October 23, 2009, the Court concludes Wilson's appeal is without merit.

(3) Wilson was convicted in 1985 on charges of Robbery in the First Degree and related offenses and was sentenced.¹ Wilson was on parole when he was arrested again in 1999 on drug charges. Wilson's drug charges led to a revocation of his parole.

(4) Following a jury trial, Wilson was convicted of Trafficking in Cocaine and related offenses. On September 7, 2001, Wilson was sentenced to ten years at Level V.² The effective date of that sentence was amended to December 9, 1999.³

(5) On June 30, 2009, Wilson filed a petition for a writ of habeas corpus. Wilson alleged that he had completed all of his sentences, and that he should be immediately released. By order dated July 2, 2009, the Superior Court denied Wilson's petition. This appeal followed.

(6) In Delaware, the writ of habeas corpus provides relief on a limited basis.⁴ After a judgment of conviction and sentencing, the only issues to be decided on a petition for a writ of habeas corpus are the

¹ *Wilson v. State*, 1986 WL 17993 (Del. Supr.) (affirming on direct appeal).

² *Wilson v. State*, 2002 WL 31106354 (Del. Supr.) (affirming on direct appeal).

³ *State v. Wilson*, Del. Super., Cr. ID No. 9912006359, Cooch, J., April 2, 2007 (modified sentence order).

⁴ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

existence of a judgment of conviction by a court of competent jurisdiction and a valid commitment.⁵

(7) In this case, we can discern no error in the Superior Court's denial of Wilson's habeas corpus petition. The State reports that upon the completion of Wilson's ten-year sentence on November 15, 2009, Wilson must serve the balance of his parole violation sentence. According to the State, and as was determined by the Superior Court in its July 2, 2009 denial of habeas corpus relief, Wilson's current release date is June 18, 2011.

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

BY THE COURT:

/s/ Randy J. Holland
Justice

⁵ *Curran v. Woolley*, 104 A.2d 771, 773 (Del. 1954).