

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DETLEF F. HARTMANN,	§
	§ No. 41, 2010
Plaintiff Below-	§
Appellant,	§
	§ Court Below-Court of Chancery
v.	§ of the State of Delaware
	§ No. 4350
D.L. SIBBOLD et al.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: July 16, 2010
Decided: August 30, 2010

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 30th day of August 2010, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The plaintiff-appellant, Detlef F. Hartmann (“Hartmann”), filed an appeal from the Court of Chancery’s January 7, 2010 order granting the motion to dismiss of defendants-appellees D.L. Sibbold et al. (the “defendants”). We find no merit to the appeal. Accordingly, we affirm.

(2) Hartmann filed a complaint in the Court of Chancery seeking relief from alleged violations of his rights during the time he was incarcerated at the James T. Vaughn Correctional Center in Smyrna,

Delaware.¹ The record reflects that, at the time Hartmann filed his complaint, he already had been released from prison. The complaint alleged that a) prison officials improperly denied him, as a disabled person, access to legal materials; b) the prison grievance system was inadequate; and c) his rights were violated by the Superior Court by, among other things, barring him from access to the Internet.

(3) The defendants filed a motion to dismiss the complaint, which was granted by the Court of Chancery. The Court of Chancery found that Hartmann's claims against State officials were barred by the doctrine of sovereign immunity; that Hartmann's claims against prison officials were moot in light of his prior release from prison; and that the Court of Chancery did not have subject matter jurisdiction over Hartmann's claim of violations of his rights during the Superior Court proceedings leading to his conviction.

(4) In this appeal, Hartmann claims that the Court of Chancery erred and abused its discretion when it failed to punish prison officials, court employees, and employees of the Office of the Attorney General for violating his rights, and award him damages.

(5) The doctrine of sovereign immunity as set forth in the Delaware Constitution, Article 1, § 9, bars actions against the State of Delaware,

¹ Hartmann was incarcerated following his conviction of sexual offenses in *State v. Hartmann*, Del. Super, Cr. ID No. 9912000027.

including its agencies and employees, a) if the State has not waived the defense of sovereign immunity for the actions outlined in the complaint; and b) if the State Tort Claims Act, Del. Code Ann. tit. 10, §4001 *et seq.*, bars the action.² A waiver of immunity must be enacted by the General Assembly,³ and must be clear and specific.⁴ In this case, there is no evidence of a clear and specific waiver of sovereign immunity by the State. As such, the doctrine of sovereign immunity bars Hartmann's claims and the Court of Chancery properly dismissed them on that basis.⁵

(6) The Court of Chancery also properly invoked Rules 12(b)(1) and 12(b)(6) in dismissing Hartmann's claims. Not only did the Court of Chancery lack subject matter jurisdiction over Hartmann's claims of improper conduct by State officials during his Superior Court prosecution, but also Hartmann failed to state a claim upon which relief could be granted by the Court of Chancery because he had an adequate remedy at law through

² *Pauley v. Reinhoehl*, 848 A.2d 569, 573 (Del. 2004).

³ *Doe v. Cates*, 499 A.2d 1175, 1181 (Del. 1985).

⁴ *Turnbull v. Fink*, 668 A.2d 1370, 1376 (Del. 1995) (The State Insurance Coverage Program constitutes such a clear and specific waiver of sovereign immunity.)

⁵ The State Tort Claims Act also bars Hartmann's claims, since Hartmann has presented no evidence that the acts of which he complains were not undertaken in good faith in the course of the defendants' official duties or that the acts resulted from gross or wanton negligence. Del. Code Ann. tit. 10, §4001.

the appeal process.⁶ Finally, because, as the record reflects, Hartmann had been released from prison approximately 2 months before filing his complaint, his claims of impropriety on the part of prison officials were moot.⁷ To the extent that Hartmann asserts claims in this appeal that were not raised below, we decline to address any such claims.⁸

(7) In light of all of the above, we conclude that the Court of Chancery properly dismissed Hartmann's claims on the grounds cited in its January 7, 2010 order. In the absence of any legal error or abuse of discretion, the judgment of the Court of Chancery must be affirmed.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

⁶ The record reflects that Hartmann did, in fact, file an appeal from his Superior Court conviction, albeit unsuccessfully. *Hartmann v. State*, Del. Supr., No. 254, 2009, Jacobs, J. (May 27, 2009).

⁷ *Crist v. State*, Del. Supr., No. 48, 1997, Veasey, C.J. (June 23, 1997).

⁸ Supr. Ct. R. 8.