

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM SHORT,	§	
	§	No. 34, 2014
Petitioner Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	C.A. No. S14M-01-003
	§	
Respondent Below,	§	
Appellee.	§	

Submitted: April 3, 2014
Decided: May 20, 2014

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 20th day of May 2014, having considered the appellant’s opening brief and the appellee’s motion to affirm under Supreme Court Rule 25(a), it appears to the Court that:

(1) The appellant, William Short, filed this appeal from the Superior Court’s order dated January 7, 2014, denying 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 the opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that Short pled guilty on June 19, 2013 to Rape in the Fourth Degree, Unlawful Sexual Contact in the First Degree, Endangering the

Welfare of a Child, and Incest.¹ The Superior Court sentenced Short to fifteen years at Level V imprisonment suspended after five years for eight years of Level III probation.

(3) On January 6, 2014, Short filed a petition for a writ of habeas corpus seeking his “release[] from detention” on the basis of insufficient evidence, ineffective assistance of counsel, and involuntary guilty plea. By order dated January 7, 2014, the Superior Court summarily denied the petition after concluding that Short was not being illegally detained. This appeal followed.

(4) In his opening brief on appeal, Short raises three claims of error. First, he argues that the Superior Court erred by failing to bring him to court within three days of the petition as required by 10 *Del. C.* § 6907. Second, Short contends that the attorney who represented him at the guilty plea proceeding was ineffective. Third, Short asserts that his convictions were not supported by sufficient evidence. Short’s first claim is without merit, and his second and third claims are not cognizable in a petition for a writ of habeas corpus.

(5) Simply put, when a prisoner’s commitment is regular on its face, there can be no relief through habeas corpus.² In this case, because Short’s commitment

¹ See Docket at 24, *State v. Short*, Cr. ID No. 1301007929 (Del. Super. June 19, 2013) (entering guilty plea and imposing sentence).

² *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997) (quoting 10 *Del. C.* § 6902(1)).

is regular on its face, the Superior Court correctly determined that his petition did not support the issuance of a writ of habeas corpus.

(6) Contrary to Short's argument on appeal, 10 *Del. C.* § 6907 does not require that a prisoner be produced in court within three days of the filing of a petition for a writ of habeas corpus. Rather, section 6907 requires that a prisoner be produced within three days of the writ's issuance and service on the custodian.³ Because the Superior Court denied Short's petition for the issuance of a writ, section 6907 does not apply here.⁴

(7) Short's claims of insufficient evidence, ineffective assistance of counsel, and involuntary guilty plea are not cognizable in a petition for a writ of habeas corpus.⁵ Claims seeking postconviction relief must be brought pursuant to Superior Court Criminal Rule 61.⁶

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/ Jack B. Jacobs
Justice

³ See 10 *Del. C.* § 6907(a) (2006) (governing method of service).

⁴ *Webb v. Carroll*, 2006 WL 585564, at *2 (Del. Mar. 8, 2006); *Proctor v. State*, 2004 WL 1535797, at *1 (Del. June 29, 2004).

⁵ *Grantham v. State*, 2012 WL 385613, at *1 (Del. Feb. 6, 2012).

⁶ See Del. Super. Ct. Crim. R. 61 (2) (providing that postconviction relief "may not be sought by a petition for a writ of habeas corpus or in any manner other than" under Rule 61).