

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT W. MILLER,	§	
	§	No. 546, 2017
Petitioner Below,	§	
Appellant,	§	Court Below: Superior Court of the
	§	State of Delaware
v.	§	
	§	C.A. No. N17M-11-154
KOLAWOLE O. AKINBAYO,	§	
WARDEN, H.R.Y.C.I,	§	
	§	
Respondent Below,	§	
Appellee.	§	

Submitted: March 16, 2018

Decided: May 21, 2018

Before **STRINE**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices

ORDER

(1) The appellant, Robert W. Miller, filed this appeal from the Superior Court’s 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 Miller’s opening brief that the appeal is without merit.

(2) In 2015, Miller pleaded guilty to a felony offense and was sentenced to eight years of Level V incarceration followed by six months of Level IV supervision.¹ We affirmed Miller’s conviction and sentence on direct appeal.²

¹ *State v. Miller*, Del. Super., Cr. ID No. 1412002671 (N).

² *Miller v. State*, 2016 WL 3410306 (Del. May 18, 2016).

Thereafter, we dismissed Miller's appeal from the denial of his first motion for postconviction relief.³ Miller did not appeal the denial of his second postconviction motion.

(3) On November 22, 2017, Miller filed a petition for a writ of habeas corpus and a supporting memorandum. By order dated November 27, 2017 the Superior Court denied the petition after determining that Miller's commitment was regular on its face, and that he was not being illegally detained. This appeal followed.

(4) When a prisoner's commitment is regular on its face, there can be no relief through habeas corpus.⁴ Miller pleaded guilty to a felony offense; his commitment to serve a sentence for the conviction is valid on its face. Because Miller is being held under a valid commitment, the Superior Court correctly determined that his petition and supporting memorandum did not support the issuance of a writ of habeas corpus.

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/ Karen L. Valihura
Justice

³ *Miller v. State*, 2017 WL 568362 (Del. Feb. 9, 2017).

⁴ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997) (quoting 10 *Del. C.* § 6902(1)).