

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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| KEAVNEY L. WATSON, | § |
| | § |
| Petitioner Below- | § No. 97, 2001 |
| Appellant, | § |
| | § |
| v. | § Court Below—Superior Court |
| | § of the State of Delaware, |
| STATE OF DELAWARE, | § in and for Sussex County |
| | § C.A. No. 01M-02-005 |
| Respondent Below- | § |
| Appellee. | § |

Submitted: April 12, 2001

Decided: May 9, 2001

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices

ORDER

This 9th day of May 2001, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The petitioner-appellant, Keavney L. Watson, filed this appeal from an order of the Superior Court denying his two petitions for a writ of habeas corpus. The State of Delaware has moved to affirm the judgment of

the Superior Court on the ground that it is manifest on the face of Watson's opening brief that the appeal is without merit.¹ We agree and AFFIRM.

(2) In this appeal, Watson claims that he is being detained illegally because the Superior Court's August 11, 2000 sentencing order states that his sentence is to be suspended for Level III Aftercare. Watson asks that he immediately be released from prison to Level III Aftercare.²

(3) In 2000 Watson was found guilty by a Superior Court judge of Possession of a Non-Narcotic Controlled Substance and Possession of Drug Paraphernalia. On the first charge, Watson was sentenced to 2 years incarceration at Level V Key Program, the remainder of the Level V time to be suspended upon successful completion of Key for Level IV Residential Substance Abuse Treatment ("RSAT"), the remainder of the Level IV time in turn to be suspended upon successful completion of RSAT for supervision at Level III Aftercare. On the second charge, Watson was sentenced to 1

¹Supr. Ct. R. 25(a).

²Watson also filed a petition for a writ of mandamus in this Court based on the same claim. That petition was dismissed by Order of this Court dated February 14, 2001.

year incarceration at Level V, to be suspended for supervision at Level III. Watson's appeal from those convictions is currently pending in this Court.³

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.⁴ 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."⁵ "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.'"⁶

(5) In this case, Watson does not claim that the Superior Court lacked jurisdiction to sentence him. There is, furthermore, no factual basis for his claim that the Superior Court's August 11, 2000 sentencing order requires him to be released immediately to Level III Aftercare. The sentencing order states that Watson will be released to Level III Aftercare only following his successful completion of two drug programs. Watson does not even allege that he has completed those programs successfully.

³*Watson v. State*, Del. Supr., No. 422, 2000.

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

⁵*Id.*

⁶*Id.* (quoting 10 Del. C. § 6902(1)).

(6) It is manifest on the face of Watson's opening brief that this 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, clearly there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice