

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTONIO D. JONES,	§
	§
Petitioner Below-	§ No. 210, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. 01M-04-035
Respondent Below-	§
Appellee.	§

Submitted: October 12, 2001  
Decided: November 9, 2001

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

**ORDER**

This 9<sup>th</sup> day of November 2001, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The petitioner-appellant, Antonio D. Jones, filed this appeal from an April 25, 2001 order of the Superior Court denying his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we **AFFIRM**.

(2) In December 1997, Jones pleaded guilty to Possession of Heroin Within 300 Feet of a Park and Possession of a Deadly Weapon by a Person Prohibited. The Superior Court sentenced Jones to a total of 7 years

incarceration at Level V, to be suspended after 5 years for 2 years of probation. The Superior Court also ordered that Jones enter the Key Program for drug treatment. Jones did not file a direct appeal of his conviction or sentence. In August 1999, the Superior Court modified its sentencing order to permit Jones to participate in the Key Program, the New Hope Program or the Greentree Program.

(3) In this appeal, Jones claims that the Superior Court improperly denied his petition for a writ of habeas corpus. Jones' petition was based on his claim that the effective date of his sentence should be changed from October 26, 1997 to September 5, 1997.<sup>1</sup> Jones also claims that he was not able to file an adequate brief because the Superior Court denied his request for transcripts.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.<sup>2</sup> Habeas corpus only provides "an opportunity for one illegally

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<sup>1</sup>Although the sentencing order stated that the effective date of Jones' sentence was September 5, 1977, Jones did not actually begin serving his sentence until October 26, 1997. Jones previously made this claim in two separate petitions for a writ of mandamus filed in this Court. *In re Jones*, Del. Supr., No. 200, 2000, Hartnett, J., 2000 WL 990963 (June 23, 2000) (ORDER); *In re Jones*, Del. Supr., No. 3, 2001, Holland, J., 2001 WL 366341 (Apr. 9, 2001) (ORDER).

<sup>2</sup>*Hall v. Carr*, Del. Supr., 692 A.2d 888, 891 (1997).

confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment.”<sup>3</sup> “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.’”<sup>4</sup>

(5) Jones has provided no evidence that the charges against him were invalid on their face or that there was any jurisdictional defect. Nor has Jones provided evidence that the quantum of the sentence imposed was incorrect. As such, habeas corpus relief is not available to him on his claim that the effective date of his sentence should be changed and the Superior Court was correct in so deciding.<sup>5</sup> Because habeas corpus relief is not available to Jones, his additional claim that he was entitled to copies of transcripts also must fail.

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

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<sup>3</sup>*Id.*

<sup>4</sup>*Id.* (quoting 10 Del. C. § 6902(1)).

<sup>5</sup>In the event of conflict between the quantum of the sentence imposed and the effective date contained in the sentencing order, the former controls. *Frye v. State*, Del. Supr., 236 A.2d 424, 425 (1967).

BY THE COURT:

s/ Joseph T. Walsh  
Justice