

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES GARNELL BROWN,	§
	§ No. 385, 2012
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 88004213DI
	§
Respondent Below-	§
Appellee.	§

Submitted: November 2, 2012

Decided: December 4, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

**ORDER**

This 4<sup>th</sup> day of December 2012, upon consideration of the briefs of the parties and the record below, it appears to the Court that:

(1) The defendant-appellant, James Garnell Brown, filed an appeal from the Superior Court's July 5, 2012 order denying his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we affirm.

(2) The record before us reflects that Brown was charged with Unlawful Sexual Intercourse in the First Degree, Kidnapping in the First Degree and Robbery in the Second Degree. During his trial in March 1989, Brown agreed to enter a plea of guilty to Unlawful Sexual Intercourse in the First Degree in exchange for dismissal of the remaining charges. Brown was

sentenced to life imprisonment. Two days later, Brown filed a motion to withdraw his guilty plea, which was denied by the Superior Court. This Court affirmed the Superior Court's judgment.<sup>1</sup> Since that time, Brown has filed numerous postconviction motions and petitions seeking to overturn his conviction and/or withdraw his guilty plea. All have been unsuccessful.

(3) In his appeal, Brown's principal claim is that the Superior Court erred in denying his petition for a writ of habeas corpus because Department of Correction personnel mishandled his parole application, thereby violating the terms of his plea agreement, which, he claims, provided that he would be given a parole hearing after serving 20 years in prison. Brown further claims that, as a result, he should be permitted to withdraw his guilty plea. Brown also raises a number of arguments surrounding the investigation and prosecution of the charges against him.

(4) Under Delaware law, the writ of habeas corpus provides relief on a very limited basis.<sup>2</sup> The purpose of the writ is solely to provide an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the confinement.<sup>3</sup> Habeas corpus relief is not available to "[p]ersons committed or detained on a

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<sup>1</sup> *Brown v. State*, 1989 WL 114629 (Del. Sept. 11, 1989).

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

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

charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.”<sup>4</sup>

(5) In this case, Brown does not claim, nor does the record support, that the charges against him were invalid on their face or that there was any jurisdictional defect. Moreover, Brown’s claims do not fall within the ambit of the Superior Court’s habeas corpus jurisdiction. As such, those claims are not properly before this Court on appeal. For all of the above reasons, we conclude that the Superior Court neither erred nor abused its discretion when it denied Brown’s petition for a writ of habeas corpus. Therefore, the judgment of the Superior Court must be affirmed.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>4</sup> Id. (quoting Del. Code Ann. tit. 10, §6902(1)).