

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GUANGO F. CORREA,	§	
	§	
Petitioner Below-	§	No. 559, 2003
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for Kent County
STATE OF DELAWARE,	§	C.A. No. 03M-11-005
	§	
Respondent Below-	§	
Appellee.	§	

Submitted: January 30, 2004  
Decided: March 25, 2004

Before **BERGER, STEELE** and **JACOBS**, Justices

**ORDER**

This 25<sup>th</sup> day of March 2004, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The petitioner-appellant, Guango F. Correa, filed an appeal from the Superior Court's November 13, 2003 order denying his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) On November 18, 2002, Correa pleaded guilty to Assault in the Second Degree. He was sentenced to 5 years incarceration at Level V, with credit for Level V time previously served, to be suspended after 2 years for probation.<sup>1</sup>

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<sup>1</sup> On May 14, 2003, the Superior Court modified Correa's sentence to provide for his participation in the Special Needs Unit rather than the Key Program.

The record reflects that Correa is currently serving that sentence and will be released on October 10, 2004.

(3) In this appeal, Correa claims that he should be released immediately because he was convicted on the basis of a false affidavit and because he has been told by prison officials that he does not need the Special Needs Unit program.

(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 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) In this case, there is no evidence that the charge to which Correa pleaded guilty was not valid on its face or that there was any jurisdictional defect. As such, habeas corpus relief is not available to Correa and the Superior Court properly so determined.

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

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

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

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

BY THE COURT:

/s/ Myron T. Steele  
Justice