

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RALPH DUONNOLO,	§	
	§	
Defendant Below-	§	No. 579, 2003
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	C.A. No. 03M-10-107
	§	
Plaintiff Below-	§	
Appellee.	§	

Submitted: May 5, 2004
Decided: June 28, 2004

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

ORDER

This 28th day of June 2004, 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 defendant-appellant, Ralph Duonnolo, filed an appeal from the Superior Court's November 10, 2003 order denying his petition 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 Duonnolo's opening brief that the appeal is without merit.¹ We agree and AFFIRM.

¹ Supr. Ct. R. 25(a).

(2) In March 1976, Duonnolo was found guilty by a Superior Court jury of Murder in the First Degree and Possession of a Deadly Weapon During the Commission of a Felony. He was sentenced to life imprisonment without the possibility of parole on the murder conviction and to an additional 5 years incarceration at Level V on the weapon conviction. Duonnolo's convictions and sentences were affirmed by this Court on direct appeal.²

(3) In October 2003, Duonnolo filed a petition for habeas corpus relief in the Superior Court, unsuccessfully claiming that his life sentence was not authorized by Delaware law. Duonnolo does not raise that issue in this appeal. Rather, he claims that: the Superior Court improperly denied his petition for a writ of habeas corpus without any legal basis; the State failed to follow proper procedure regarding his petition; and he was prejudiced by the Prothonotary's failure to deliver the Superior Court record to this Court in a timely manner.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.³ Habeas corpus offers an opportunity for one who is illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment.⁴ Habeas corpus relief is not available to persons

² *Duonnolo v. State*, 397 A.2d 126 (Del. 1978).

³ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

⁴ *Id.*

“committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.”⁵

(5) In this case, the record reflects that Duonnolo is serving a sentence imposed by the Superior Court. There is no evidence that the charges to which Duonnolo pleaded guilty were not valid on their face or that there was any jurisdictional defect. As such, habeas corpus relief is not available to Duonnolo⁶ and the Superior Court properly so held.

(6) Duonnolo’s additional claims are also unavailing. The Superior Court followed the proper statutory procedure in denying his petition for a writ of habeas corpus.⁷ Moreover, the record does not support Duonnolo’s claim that he was prejudiced by the Prothonotary’s failure to file the Superior Court record in a timely manner.

(7) It is manifest on the face of Duonnolo’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.

⁵ Id. (quoting Del. Code Ann. tit. 10, § 6902(1)).

⁶ *Maxion v. State*, 686 A.2d 148, 151 (Del. 1996).

⁷ Del. Code Ann. tit. 10, § 8803(b) (1999). Duonnolo’s argument that proper procedure was not followed under Del. Code Ann. tit. 10, § 6907 is unavailing, since that statute is only relevant if a petition for a writ of habeas corpus already has been granted.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice