

(2) The record reflects that, in April 1994, Summers waived indictment by the grand jury and was charged by information with Trafficking in Cocaine, Possession with Intent to Deliver Cocaine, Maintaining a Dwelling for Keeping Controlled Substances, Possession of Drug Paraphernalia and Conspiracy in the Second Degree. In November 1994, Summers pleaded guilty to the lesser-included offense of Attempted Trafficking in Cocaine.² He was sentenced to 5 years incarceration at Level V, to be suspended after 20 months for 2½ years of decreasing levels of probation.

(3) In this appeal, Summers claims that he is being illegally detained because he did not waive his right to be indicted by the grand jury on the lesser-included charge of Attempted Trafficking in Cocaine.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.³ 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.”⁴ “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.’”⁵

² Super. Ct. Crim. R. 11(e) (1) (C).

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

⁴ *Id.*

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

(5) In this case, there is no evidence that the charge to which Summers pleaded guilty was not valid on its face or that there was any jurisdictional defect. Moreover, there is no evidence that the waiver of indictment form signed by Summers was in any way defective. As such, habeas corpus relief is not available to Summers and the Superior Court properly so determined.

(6) It is manifest on the face of Summers' 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 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