

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN A. WARD,	§	
	§	
Petitioner Below-	§	No. 48, 2004
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	C.A. No. 04M-01-015
	§	
Respondent Below-	§	
Appellee.	§	

Submitted: May 21, 2004
Decided: August 3, 2004

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

ORDER

This 3rd day of August 2004, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The petitioner-appellant, John A. Ward, filed an appeal from the Superior Court's January 16, 2004 order denying his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In 1978, Ward was convicted of Robbery in the First Degree and Assault in the Third Degree. He was sentenced on the robbery conviction to life in

prison as an habitual offender¹ and on the assault conviction to one year at Level V.

(3) In this appeal, Ward claims that the Superior Court committed legal error when it denied his petition for a writ of habeas corpus. He contends that he should have been released from prison on November 29, 2000, his short term release date calculated by deducting his good time credits from a “life” sentence of 45 years.²

(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

(5) We find no basis for concluding that the Superior Court committed legal error or abused its discretion in denying Ward’s petition for a writ of habeas corpus. The Superior Court properly found that habeas corpus relief was not available to Ward in the absence of any evidence that the Superior Court lacked

¹ Del. Code Ann. tit. 11, § 4214(b).

² *Crosby v. State*, 824 A.2d 894 (Del. 2003).

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

⁴ *Id.*

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

jurisdiction to charge him with and try him for robbery and assault. Moreover, the Superior Court correctly found that Ward's claim that his release date has been calculated erroneously is not properly addressed in a habeas corpus proceeding.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice