

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE  
PETITION OF CHARLES M.  
ALLISON FOR A WRIT OF  
HABEAS CORPUS.

No. 195, 2000

Submitted: May 1, 2000  
Decided: May 11, 2000

Before **HOLLAND, HARTNETT** and **BERGER**, Justices.

**ORDER**

This 11th day of May 2000, upon consideration of the petition for a writ of habeas corpus filed by Charles M. Allison and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) On April 25, 2000, Allison filed a petition for a writ of habeas corpus in this Court.<sup>1</sup> Allison complains that he has served half of his six-month Level IV sentence at Level V, at the Sussex Violation of Probation Unit. Allison contends that he is being “unconstitutionally detained,” and that a “sentence modification is in order.”<sup>2</sup>

(2) Under Article IV, § 11(6) of the Delaware Constitution and Supreme Court Rule 43, this Court has limited jurisdiction to issue

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<sup>1</sup> Allison’s petition concerns *State v. Allison*, Del. Super., Cr.A.No. IN99-07-0490.

<sup>2</sup> It appears from the Superior Court docket that Allison filed a motion for modification of sentence on May 4, 2000. That motion is pending in the Superior Court.

extraordinary writs. The Court has no original jurisdiction to issue a writ of habeas corpus.<sup>3</sup>

(3) Furthermore, according to officials at the Sussex Violation of Probation Unit, Allison was transferred to Level IV work release on May 1, 2000. On May 10, 2000, the Superior Court issued an order providing for Allison's immediate release to Level III.

NOW, THEREFORE IT IS ORDERED that the State's motion to dismiss is GRANTED. Allison's petition for a writ of habeas corpus is DISMISSED.

BY THE COURT:

/s/Maurice A. Hartnett, III

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Justice

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<sup>3</sup> *Rocker v. State*, Del. Supr., 240 A.2d 141, 142 (1968).