

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS L. MOORE,	§
	§
Defendant Below-	§ Nos. 358, 2002; 415, 2002;
Appellant,	§ and 416, 2002
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. Nos. 02M-05-048
Plaintiff Below-	§ 02M-06-032 and 02M-06-076
Appellee.	§

Submitted: October 16, 2002

Decided: November 25, 2002

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

ORDER

This 25th day of November 2002, upon consideration of the appellant's opening brief and the State's motion to affirm, it appears to the Court that:

(1) The appellant, Thomas Moore, filed these consolidated appeals from the Superior Court's denial of Moore's three separate petitions seeking habeas corpus relief. The crux of Moore's contentions below was that the Superior Court had erred in sentencing him for violating probation because the sentence imposed failed to credit Moore with good time he had previously earned. The Superior Court denied all three habeas corpus petitions on the ground that Moore was legally detained. The State has

moved to affirm the Superior Court's judgments on the ground that it is manifest on the face of Moore's opening brief that his consolidated appeals are without merit. We agree and affirm.

(2) Unlike its federal counterpart, the writ of habeas corpus under Delaware law provides relief on a very limited basis.¹ Habeas corpus provides an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment.² In Moore's case, the Superior Court had jurisdiction to incarcerate Moore for violating probation. As we have previously have held, Moore's term of imprisonment was valid on its face.³ Therefore, Moore was not entitled to seek habeas corpus relief.⁴

NOW, THEREFORE, IT IS ORDERED that the judgments of the Superior Court are AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

² *In re Pitt*, 541 A.2d 554, 557 (Del. 1988).

³ *Moore v. State*, Del. Supr., No. 285, 2001, Walsh, J. (Jan. 9, 2002) (affirming Superior Court's VOP sentence).

⁴ *Curran v. Woolley*, 104 A.2d 771, 773 (Del. 1954).