

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER WALLS,	§
	§
Defendant Below-	§ No. 432, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. No. IN98-02-1384
Plaintiff Below-	§ Cr. ID 9802012831
Appellee.	§

Submitted: January 7, 2005
Decided: February 23, 2005

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

ORDER

This 23rd day of February 2005, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The appellant, Christopher Walls, filed this appeal from the Superior Court's denial of his petition for a writ of habeas corpus. Walls contends that he is being illegally detained on a violation of probation sentence because the Superior Court previously had discharged him from his probationary sentences. We find no merit to Walls' contention. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that the Superior Court sentenced Walls in June 2004 for violating the terms of four different probationary sentences by

committing a new criminal offense. The Superior Court initially sentenced Walls on all four VOPs to a total period of 26 months at Level V incarceration. The Superior Court later corrected its order by eliminating the violations associated with three of the probationary sentences because Walls previously had been discharged as unimproved from those three probationary sentences. Walls had neither served nor been discharged from the fourth probationary sentence, which was associated with an earlier robbery conviction. The corrected sentencing order, therefore, imposed 18 months at Level V incarceration on one VOP charge.

(4) Walls contends that he is being illegally detained pursuant to a sentence that the Superior Court lacked jurisdiction to impose. According to Walls, the Superior Court previously had discharged him from all of his probationary sentences. Therefore, Walls asserts, the 2004 VOP sentencing order was illegal, and he is entitled to a writ of habeas corpus.

(5) This Court already has rejected the factual assertion upon which Walls' argument is predicated. In Walls' appeal from the Superior Court's corrected sentencing order, we held there was no support in the record for Walls' contention that he previously had been discharged from the probationary sentence associated with his robbery conviction.* Although

* *Walls v. State*, Del. Supr., No. 302, 2004, Steele, C.J. (Jan. 31, 2005).

the Superior Court previously had discharged Walls from the TASC supervision associated with his robbery sentence, the Superior Court had never discharged him from probation. His VOP sentence therefore is legal, and he is not entitled to a writ of habeas corpus.

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

BY THE COURT:

/s/ Randy J. Holland
Justice