

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES A. BIGGINS,	§	
	§	
Defendant Below-	§	No. 500, 2004
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for Sussex County
STATE OF DELAWARE,	§	C.A. No. 04M-10-008
	§	
Plaintiff Below-	§	
Appellee.	§	

Submitted: January 11, 2005
Decided: March 15, 2005

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

ORDER

This 15th day of March 2005, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The defendant-appellant, James A. Biggins, filed an appeal from the Superior Court's October 26, 2004 order denying his petition for a writ of habeas corpus and the Superior Court's November 9, 2004 order denying his motion for reargument. The plaintiff-appellee, the State of Delaware, has moved to affirm the

Superior Court's judgment on the ground that it is manifest on the face of Biggins' opening brief that the appeal is without merit.¹ We agree and affirm.

(2) In 1997, Biggins was convicted by a Superior Court jury of three counts of Unlawful Sexual Intercourse in the Second Degree, one count of Assault in the Third Degree, and one count of Unlawful Imprisonment in the Second Degree. He was sentenced to a total of thirty years incarceration at Level V. On direct appeal, this Court affirmed Biggins' convictions and sentences.²

(3) In this appeal, Biggins claims that: a) his convictions are invalid because the State failed to follow the proper procedures under the Interstate Agreement on Detainers ("IAD") when he was extradited from Maryland for trial in Delaware; and b) the IAD, as enforced by the State of Delaware, violates the ex post facto clauses of the United States and Delaware Constitutions.

(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

¹ Supr. Ct. R. 25(a).

² *Biggins v. State*, Del. Supr., No. 468, 1997, Walsh, J. (Nov. 24, 1999). Prior to filing the instant petition for a writ of habeas corpus, Biggins also had filed a number of unsuccessful postconviction motions and petitions for extraordinary writs in the state and federal courts.

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

⁴ *Id.*

committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.’’⁵

(5) Biggins is not entitled to habeas corpus relief because there is no evidence that Biggins’ commitment to the custody of the Department of Correction to serve his prison term is invalid on its face. Moreover, Biggins’ claim of impropriety regarding his extradition from Maryland already has been raised and denied in his previous filings.

(6) It is manifest on the face of Biggins’ 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 the State of Delaware’s motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

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