

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEAN C. BLACK,	§	
	§	
Petitioner Below-	§	No. 70, 2005
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	C.A. No. 05M-02-024
	§	
Respondent Below-	§	
Appellee.	§	

Submitted: May 20, 2005

Decided: July 20, 2005

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

**ORDER**

This 20<sup>th</sup> day of July 2005, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The petitioner-appellant, Dean C. Black, filed an appeal from the Superior Court's February 8, 2005 order dismissing his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In March 1985, Black was found guilty by a Superior Court jury of two counts of Attempted Rape in the First Degree. He was sentenced to 25 years incarceration at Level V, to be suspended after 15 years for probation. Black's

conviction was affirmed by this Court on direct appeal.<sup>1</sup> Black subsequently filed a motion for state postconviction relief and a petition for federal habeas corpus relief, both of which were unsuccessful. Following Black's release, he was found to have committed a violation of probation and was re-incarcerated. Since then, Black has filed numerous petitions and motions challenging his conviction and sentence, all of which have been unsuccessful.

(3) In this appeal, Black claims that the Superior Court should have granted his petition for a writ of habeas corpus because he is serving an illegal sentence. Specifically, he argues that the Department of Correction has miscalculated his good time credits.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.<sup>2</sup> 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."<sup>3</sup> "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.'"<sup>4</sup>

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<sup>1</sup> *Black v. State*, Del. Supr., No. 173, 1985, Walsh, J. (June 23, 1986).

<sup>2</sup> *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)).

(5) Black has failed to show that the Superior Court lacked jurisdiction to convict or sentence him and he is, therefore, not entitled to habeas corpus relief. Moreover, Black has presented his argument concerning the calculation of his good time credits before and that argument has consistently been rejected. He is, therefore, barred from re-litigating that issue pursuant to the “law of the case” doctrine.<sup>5</sup>

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>5</sup> *Brittingham v. State*, 705 A.2d 577, 579 (Del. 1998).