

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS R. MILLER,	§	
	§	No. 665, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	C.A. No. S12M-12-010
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: February 7, 2013

Decided: March 20, 2013

**ORDER**

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

This 20<sup>th</sup> day of March 2013, having considered the appellant’s opening brief and the appellee’s motion to affirm under Supreme Court Rule 25(a),<sup>1</sup> it appears to the Court that:

(1) The appellant, Thomas R. Miller, appeals from a Superior Court order dated December 11, 2012, denying his petition for a writ of habeas corpus. The appellee, State of Delaware, moves to affirm the Superior

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<sup>1</sup> The Court has not considered the appellant’s “motion to address,” which seeks permission to respond to the appellee’s motion to affirm. *See* DEL. SUPR. CT. R. 25(a)(iii) (providing that there shall be no response to a motion to affirm unless requested by the Court).

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

(2) Miller is currently serving a life sentence that was imposed in May 1994 after a Superior Court jury convicted him of Unlawful Sexual Intercourse in the First Degree. This Court affirmed on direct appeal.<sup>2</sup> On December 7, 2012, Miller filed a petition for a writ of habeas corpus. By order dated December 11, 2012, the Superior Court denied his petition. This appeal followed.

(3) When a prisoner's commitment is "plainly and fully set forth," there can be no habeas corpus relief.<sup>3</sup> In this case, because Miller's commitment is valid on its face, the Superior Court correctly determined that his petition did not support the issuance of a writ of habeas corpus.

NOW, THEREFORE, IT IS HEREBY ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> *Miller v. State*, 660 A.2d 394, 1995 WL 301379 (Del. May 9, 1995) (TABLE) (affirming convictions and sentences).

<sup>3</sup> *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997) (quoting DEL. CODE ANN. TIT. 10, § 6902(1)).