

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM JOSEPH WEBB, JR.,	§
	§ No. 543, 2005
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
COMMISSIONER STANLEY	§ C.A. No. 05M-09-103
TAYLOR and WARDEN THOMAS	§
CARROLL,	§
	§
Respondents Below-	§
Appellees.	§

Submitted: March 24, 2006

Decided: May 31, 2006

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

ORDER

This 31st day of May 2006, it appears to the Court that:

(1) The petitioner-appellant, William Joseph Webb, Jr., filed an appeal from the Superior Court’s September 30, 2005 order denying his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In May 1997, Webb pleaded guilty to Burglary in the Second Degree. He was sentenced to 8 years of Level V incarceration, to be suspended after 1 year for 7 years probation. In March 2000, Webb pleaded guilty to the additional charges of Burglary in the First Degree, Assault in

the First Degree and Endangering the Welfare of a Child. He also admitted to a probation violation. On the burglary conviction, Webb was sentenced to 12 years of Level V incarceration, to be suspended after 5 years for decreasing levels of probation.¹ On the assault conviction, he was sentenced to 30 months of Level V incarceration, to be suspended after 24 months for probation. On the conviction of endangering the welfare of a child, Webb was sentenced to 12 months of Level V incarceration, to be suspended for probation. Finally, on his probation violation, he was sentenced to 3 years of Level V incarceration.

(3) In his petition for a writ of habeas corpus, Webb claimed that the Superior Court judge improperly relied upon his May 1997 conviction when imposing his March 2000 sentences. In this appeal, Webb claims that the Superior Court incorrectly failed to: treat his petition for a writ of habeas corpus as a postconviction motion under Superior Court Criminal Rule 61; bring him into court for an evidentiary hearing;² and issue the writ of habeas corpus “without delay.”³

¹ The Superior Court subsequently reduced this sentence to 10 years at Level V.

² Del. Code Ann. tit. 10, § 6908.

³ Del. Code Ann. tit. 10, § 6906.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.⁴ 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.”⁵ “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.’”⁶

(5) There is no basis for the issuance of a writ of habeas corpus in this case. Webb has not demonstrated that the Superior Court lacked jurisdiction over the charges against him or that the indictment was invalid on its face. Webb also has failed to demonstrate any error or abuse of discretion on the part of the Superior Court in denying his petition for a writ of habeas corpus. The Superior Court was within its discretion not to treat Webb’s petition as a Rule 61 postconviction motion. Moreover, there was no reason for an evidentiary hearing when Webb’s petition was meritless on its face.⁷

⁴ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

⁵ *Id.*

⁶ *Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)).

⁷ Del. Code Ann. tit. 10, § 8803(b).

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice