

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRIAN J. WINWARD,	§	
	§	No. 1, 2006
Petitioner Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County in C.A.
	§	No. 05M-11-023.
THOMAS CARROLL,	§	
	§	
Respondent Below,	§	Def. ID No. 88003819DI
Appellee.	§	

Submitted: February 27, 2006  
Decided: June 5, 2006

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 5<sup>th</sup> day of June 2006, upon consideration of the appellant's opening brief and the State's motion to affirm, it appears to the Court that:

(1) The appellant, Brian J. Winward, filed an appeal from the Superior Court's order dated December 5, 2005 that dismissed his petition for a writ of habeas corpus. It is manifest on the face of Winward's opening brief that the appeal is without merit. Accordingly, we affirm.

(2) Winward is serving a mandatory twenty-four year prison sentence that was imposed by the Superior Court in 1989 and later amended in 1995.<sup>1</sup>

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<sup>1</sup>*State v. Winward*, Del. Super., Def. ID No. 88003819DI.

On November 25, 2005, Winward filed a petition for a writ of habeas corpus in the Superior Court followed, on November 30, by a motion for reconsideration.

(3) Winward claimed that the prison was unlawfully detaining him in the maximum security unit. The Superior Court denied Winward's habeas corpus petition on the basis that the court did not "micro-manage" classifications within the Department of Correction, and that he was being held legally pursuant to a 1989 sentence. This appeal followed.

(4) The writ of habeas corpus under Delaware law provides relief on a very limited basis.<sup>2</sup> Habeas corpus is not available to a petitioner who is "committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment."<sup>3</sup> "Habeas corpus is limited to that issue and should not be used to explore the reasons for classification within the prison system."<sup>4</sup>

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

<sup>3</sup>*Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)); *In re Pitt*, 541 A.2d 554, 557 (Del. 1988); *Skinner v. State*, 135 A.2d 612, 613 (Del. 1957) (citing *Curran v. Woolley*, 104 A.2d 771 (Del. 1954)).

<sup>4</sup>*Dorbolo v. Sullivan*, 450 A.2d 1185, 1186 (Del. 1982). *See also Evans v. Snyder*, 2001 WL 1586854 (Del. Supr.) (holding that restriction of privileges within institution is not subject to habeas corpus review); *Holland v. State*, 1995 WL 715812 (Del. Supr.) (holding that habeas corpus is not a remedy to review prison management decisions).

(5) Winward argues on appeal that the Superior Court should have provided relief by way of mandamus, injunction or some other mechanism. Winward, however, has failed to establish that he is entitled to such relief. The Superior Court did not err when it summarily dismissed Winward's petition for a writ of habeas corpus.

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

BY THE COURT:

/s/Henry duPont Ridgely  
Justice