

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARL J. HASKINS, JR.,	§
	§ No. 633, 2006
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
RAPHAEL WILLIAMS,	§ C.A. No. 06M-11-064
	§ C.A. No. 06M-11-005
Respondent Below-	§
Appellee.	§

Submitted: February 8, 2007

Decided: March 8, 2007

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

ORDER

This 8th day of March 2007, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a),¹ it appears to the Court that:

(1) The petitioner-appellant, Carl J. Haskins, Jr., filed an appeal from the Superior Court’s September 26, 2006 order denying his petition for a writ of certiorari and its November 8, 2006 order denying his petition for a writ of habeas corpus. The respondent-appellee, the State of Delaware, has moved to affirm the Superior Court’s judgments on the ground that it is

¹ We also have considered the appellant’s response to the State’s motion to affirm, which was filed on February 8, 2007, with the Court’s permission. Supr. Ct. R. 25(a) (iii).

manifest on the face of the opening brief that Haskins' opening brief is without merit.² We agree and AFFIRM.

(2) In December 1989, Haskins was sentenced to 25 years of Level V incarceration following his plea of guilty to one count of Rape in the Second Degree. Haskins was sentenced under pre-Truth-in-Sentencing ("TIS") law, rendering him eligible for parole consideration.³ The record reflects that the maximum expiration date for his sentence is December 9, 2010.⁴ In October 2001, Haskins was released on parole.⁵ The release papers, which Haskins signed, required Haskins to comply with certain conditions of "level 3 probation/parole supervision," including maintaining full-time employment, participating in community service, and abiding by a curfew.

(3) Some time later, Haskins was arrested on a parole violation warrant. Haskins then filed a petition for a writ of habeas corpus challenging his arrest, which the Superior Court denied. Following a revocation hearing in October 2005, the Board of Parole (the "Board") revoked Haskins' parole, revoked his good time credits, required him to register as a sex offender, and re-imposed the balance of his sentence.

² Supr. Ct. R. 25(a).

³ Under TIS, parole was abolished for criminal offenses committed after June 29, 1990. Del. Code Ann. tit. 11, § 4354; *Crosby v. State*, 824 A.2d 894, 899 (Del. 2003).

⁴ Del. Code Ann. tit. 11, § 4347(i).

⁵ Del. Code Ann. tit. 11, § 4348.

(4) Haskins subsequently submitted a number of letters and “pleadings” to the Superior Court challenging the authority of the Board. Some were docketed and some were not. In August 2006, Haskins mailed a document entitled “Amendment to Petition for Writ of Certiorari” to the Superior Court. The judge’s review of the Superior Court docket sheet revealed that, while Haskins had filed the “Amendment,” he had never filed an original petition for a writ of certiorari.

(5) In order to impose some semblance of order on Haskins’ various submissions, the Superior Court decided, in its discretion, to treat an earlier “Appeal” filed by Haskins as his original petition for a writ of certiorari. In a decision dated September 26, 2006, the Superior Court denied Haskins’ petition for a writ of certiorari. On November 8, 2006, the Superior Court also denied Haskins’ subsequent petition for a writ of habeas corpus, which repeated the arguments previously made by Haskins in his petition for a writ of certiorari.

(6) In this appeal, Haskins claims that the Superior Court abused its discretion by denying his petitions for certiorari and habeas corpus. He argues, first, that the Board forfeited its jurisdiction over him in October 2001 when it imposed a period of Level III probation without the proper authority and, second, that the Board committed both an ex post facto

violation and a double jeopardy violation by improperly enhancing his sentence.

(7) Writs of certiorari and habeas corpus are extraordinary remedies that are available in limited circumstances and when no other adequate remedy is available.⁶ In certiorari, review generally is confined to jurisdictional matters, errors of law or procedural irregularities that are manifest on the record.⁷ Habeas corpus provides an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment⁸ and is not available to persons committed or detained on a felony charge, “the species whereof is plainly and fully set forth in the commitment.”⁹

(8) Haskins argues that the Board does not have the authority to attach a period of probation to his sentence. However, that is not what the Board did. Rather, it imposed a series of conditions on Haskins’ parole, which is squarely within the Board’s statutory authority.¹⁰ Moreover, once the Board determined that Haskins had violated those conditions, it had the authority to revoke his parole, revoke his good time credits, require him to

⁶ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988); *Shoemaker v. State*, 375 A.2d 431, 437-38 (Del. 1977).

⁷ *Vincent v. State*, Del. Supr., No. 232, 2006, Jacobs, J. (Sept. 26, 2006).

⁸ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

⁹ *Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)).

¹⁰ *Spurlin v. Dept. of Corrections*, 230 A.2d 276, 277-78 (Del. 1967); Del. Code Ann. tit. 11, § 4347(c).

register as a sex offender, and re-impose the remainder of his sentence.¹¹ The Board did not exceed its authority or commit an error of law or procedure. As such, the Superior Court properly denied Haskins' petition for a writ of certiorari.

(9) We also find no error or abuse of discretion on the part of the Superior Court in denying Haskins' petition for a writ of habeas corpus. The Superior Court properly determined that Haskins was not entitled to habeas corpus relief because he failed to demonstrate that the Department of Correction had illegally detained him.¹²

(10) It is manifest on the face of Haskins' opening brief that his 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, there was no abuse of discretion.

¹¹ Del. Code Ann. tit. 11, § 4352(d).

¹² *Hall v. Carr*, 692 A.2d at 891.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 25(a), that the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice