

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GUANGO F. CORREA,	§
	§ No. 654, 2006
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ C.A. No. 06M-011-014
	§ Cr. ID No. 0205013182
Respondent Below-	§
Appellee.	§

Submitted: February 22, 2007

Decided: March 15, 2007

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

ORDER

This 15th 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), it appears to the Court that:

(1) The petitioner-appellant, Guango F. Correa, filed an appeal from the Superior Court’s November 30, 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 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) In November 2002, Correa pleaded guilty to Assault in the Second Degree. He was sentenced to five years of Level V incarceration, to be suspended after two years for two years and nine months of decreasing levels of probation. Correa subsequently was found to have committed a violation of probation (“VOP”) and was re-sentenced on July 27, 2006, to two years of Level V incarceration, to be suspended after thirty days for 1½ years of decreasing levels of probation.

(3) In this appeal, Correa appears to claim that he was erroneously charged with a VOP under an improper name. He points to the list of aliases on his July 27, 2006, VOP sentencing order as support for this claim.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.¹ 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.”² “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.’”³

¹ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

² *Id.*

³ *Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)).

(5) The record reflects that the Superior Court had jurisdiction to impose Correa's VOP sentence and that his VOP sentencing order was regular on its face. Although it is true that a number of Correa's aliases are listed on the last page of the sentencing order, that alone does not demonstrate that Correa was erroneously charged with a VOP under an improper name. Because Correa has failed to demonstrate that he is entitled to habeas corpus relief, the Superior Court properly denied Correa's habeas corpus petition.

(6) It is manifest on the face of the opening brief that the 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.

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

BY THE COURT:

/s/ Randy J. Holland
Justice