

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VICTOR GRANTHAM,	§
	§ No. 557, 2011
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0808016406
	§ C.A. No. N11M-08-124
Respondent Below-	§
Appellee.	§

Submitted: January 25, 2012

Decided: February 6, 2012

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

**ORDER**

This 6<sup>th</sup> day of February 2012, 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, Victor Grantham, filed an appeal from the Superior Court's September 20, 2011 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.<sup>1</sup>

We agree and affirm.

(2) The record before us reflects that, in February 2009, Grantham pleaded guilty to Murder in the Second Degree. As part of the plea agreement, the State dismissed two counts of Reckless Endangering and several weapon charges. Grantham was sentenced to 50 years of Level V incarceration, to be suspended after 30 years for 10 years of Level III probation. Grantham's conviction and sentence were affirmed by this Court on direct appeal.<sup>2</sup>

(3) In this appeal from the Superior Court's denial of his petition for a writ of habeas corpus, Grantham claims that a) his guilty plea was coerced; b) he is "actually innocent" of the murder charge; c) there was insufficient evidence to support a charge of second degree murder; and d) he received ineffective assistance of counsel in connection with his guilty plea.

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.<sup>3</sup> A writ of habeas corpus may not be issued to any person committed or detained on a charge of treason or felony, which is plainly and

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<sup>1</sup> Supr. Ct. R. 25(a).

<sup>2</sup> *Grantham v. State*, Del. Supr., No. 516, 2009, Steele, C.J. (May 10, 2010).

<sup>3</sup> *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

fully set forth in the commitment.<sup>4</sup> Stated otherwise, a prisoner whose commitment is regular on its face may not obtain release through a state habeas corpus petition.

(5) The record before us reflects that Grantham was charged with several felony offenses, over which the Superior Court clearly had jurisdiction. Grantham does not dispute that his commitment was regular on its face. Moreover, Grantham's claims relating to his guilty plea and his counsel's performance are not cognizable in a petition for a writ of habeas corpus.<sup>5</sup> We, therefore, conclude that the Superior Court's denial of Grantham's petition for a writ of habeas corpus was proper.

(6) It is manifest on the face of the opening brief that this 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 that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>4</sup> Del. Code Ann. tit. 10, §6902(1).

<sup>5</sup> Grantham must pursue any such claims in accordance with the procedures outlined in Superior Court Criminal Rule 61.