## IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES COBB,	§	
	§	No. 573, 2012
Petitioner Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
V.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Respondent Below,	§	C.A. No. N12M-09-030
Appellee.	§	

Submitted: November 19, 2012 Decided: February 13, 2013

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

This 13<sup>th</sup> day of February 2013, upon consideration of the appellant's opening brief and the appellee's motion to affirm,<sup>1</sup> it appears to the Court that:

(1) In this appeal from the Superior Court's denial of his petition for a writ of habeas corpus, the appellant, Charles Cobb, claims that the alleged wrongful revocation of good time credits has resulted in the Department of Correction holding him past his mandatory release date. Having carefully considered the parties' positions on appeal, it appears manifest on the face of Cobb's opening brief that the appeal is without merit.

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<sup>&</sup>lt;sup>1</sup> Del. Supr. Ct. R. 25(a). The Court has not considered Cobb's "reply brief" and "amendment" to the opening brief as both documents were filed in response to the State's motion to affirm, in violation of Rule 25(a)(iii).

(2) The parties' appellate submissions reflect that Cobb was sentenced in June 2002 to a total of twelve years at Level V.<sup>2</sup> In his Superior Court petition and now on appeal, Cobb has not demonstrated that the June 2002 commitment is invalid on its face.<sup>3</sup> When a prisoner's commitment is regular on its face, there can be no relief through habeas corpus.<sup>4</sup>

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

<sup>&</sup>lt;sup>2</sup> State v. Cobb, Del. Super. Ct., Cr. ID Nos. 0106000795, 0105021510, 0103002104.

<sup>&</sup>lt;sup>3</sup> See Woods v. Holden, 2005 WL 2319115 (Del. Supr.) (affirming denial of habeas corpus relief when underlying claim concerned Parole Board's authority to revoke good time on sentences already served).

<sup>&</sup>lt;sup>4</sup> *Id.* (citing *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).