

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN A. TAYLOR,	§
	§ No. 117, 2013
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ C.A. No. N13M-02-090
	§ Cr. ID No. 9408012457
Respondent Below-	§
Appellee.	§

Submitted: May 1, 2013
Decided: May 24, 2013

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

ORDER

This 24th day of May 2013, 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, John A. Taylor, filed an appeal from the Superior Court's February 20, 2013 order dismissing 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 this appeal is without merit.¹

We agree and affirm.

(2) The record before us reflects that, in January 1996, Taylor was found guilty by a Superior Court jury of two counts of Unlawful Sexual Intercourse in the First Degree, five counts of Unlawful Sexual Contact in the Second Degree and one count of Offensive Touching. He was sentenced to a total of thirty-two years and three months of Level V incarceration. This Court affirmed Taylor's convictions on direct appeal.² Since that time, Taylor has filed three postconviction motions pursuant to Superior Court Criminal Rule 61. This Court affirmed the Superior Court's denial of all three motions.³

(3) In his appeal from the Superior Court's dismissal of his petition for a writ of habeas corpus, Taylor claims that a) the Superior Court abused its discretion by not addressing his substantive claim; and b) the Superior Court did not have subject matter jurisdiction over the original charges against him.

¹ Supr. Ct. R. 25(a).

² *Taylor v. State*, 690 A.2d 933 (Del. 1997).

³ *Taylor v. State*, 2001 WL 1658392 (Del. Dec. 17, 2001); *Taylor v. State*, 2011 WL 252944 (Del. Jan. 21, 2011); *Taylor v. State*, 2012 WL 3252862 (Del. Aug. 9, 2012).

(4) In Delaware, the writ of habeas corpus provides relief on a very limited basis.⁴ 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.”⁵ 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.”⁶

(5) In this case, Taylor has failed to demonstrate that the Superior Court lacked jurisdiction to convict and sentence him in connection with the felony charges against him or that he is not being validly detained pursuant to a commitment that is plain on its face. As such, we conclude that Taylor is not entitled to the issuance of a writ of habeas corpus and that the Superior Court properly so found.

(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.

⁴ *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

⁵ *Id.*

⁶ *Id.* (quoting Del. Code Ann. tit. 10, §6902(1)).

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/ Randy J. Holland
Justice