

SUPREME COURT OF DELAWARE

Gonzalez v. Morgan

963 A.2d 138 (Del. 2008) · No. No. 402, 2008 · Decided December 22, 2008

SUMMARY

The Delaware Supreme Court affirmed the denial of Jose A. Gonzalez's petition for a writ of habeas corpus. The Court held that habeas corpus relief was unavailable because Gonzalez did not challenge the validity or jurisdiction of his Delaware convictions, but instead sought prospective protection from possible detention based on an arrest warrant for his brother.

CASE DETAILS

|                       |                                                                                    |
|-----------------------|------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Delaware                                                          |
| WRITING FOR THE COURT | Carolyn Berger, Justice; Holland, Justice; Berger, Justice; Jacobs, Justice        |
| JURISDICTION          | Delaware                                                                           |
| DECIDED               | December 22, 2008                                                                  |
| DOCKET                | No. 402, 2008                                                                      |
| DISPOSITION           | affirmed                                                                           |
| PROCEDURAL POSTURE    | Appeal from the Superior Court's denial of a petition for a writ of habeas corpus. |
| PRECEDENTIAL VALUE    | Published Delaware Supreme Court opinion                                           |
| PARTIES               | Jose A. Gonzalez v. Phil Morgan                                                    |

TOPICS

- habeas corpus
- post-conviction relief
- criminal procedure
- appellate procedure

PRACTICE AREAS

- Habeas corpus
- Post-conviction relief
- Criminal procedure
- Appellate procedure

QUESTIONS PRESENTED

- Whether a Delaware writ of habeas corpus could provide prospective relief preventing detention after the petitioner's sentence based on the possibility that authorities might confuse him with his brother who was the subject of an arrest warrant.

2. Whether the Superior Court properly denied the habeas corpus petition when the petitioner did not challenge the validity of his Delaware charges or the court's jurisdiction.

## HOLDINGS

1. Delaware habeas corpus relief is limited to judicial review of the jurisdiction of the court ordering the commitment and is unavailable to obtain prospective relief against a possible future detention based on mistaken identity.

## KEY QUOTATIONS

*“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.’” (¶ 4)*

*“Because Gonzalez’ request does not fall within the proper scope of a writ of habeas corpus, the Superior Court properly denied his petition.” (¶ 5)*

## FACTUAL BACKGROUND

Gonzalez was arrested in 2003 on misdemeanor and driving-related charges, which remained unresolved for more than four years because of his repeated failures to appear. After later pleading guilty to felony shoplifting and resolving the earlier charges through additional guilty pleas, he was serving Delaware sentences. He alleged that his brother, who closely resembled him and had used his name as an alias, was the subject of an outstanding Pennsylvania arrest warrant and feared that Delaware authorities would continue detaining him after his sentence ended.

## PROCEDURAL HISTORY

Gonzalez filed a petition for a writ of habeas corpus in the Superior Court seeking an order preventing Delaware authorities from detaining him beyond the date of his Level V sentence based on an arrest warrant allegedly applicable to his brother. The Superior Court denied the petition on July 18, 2008. The Supreme Court of Delaware affirmed.

## DISPOSITION

affirmed

## CASES CITED

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

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