

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)

OPINION

PER CURIAM.

JOSE A. GONZALEZ, Petitioner Below-Appellant, v. PHIL MORGAN, Respondent Below-Appellee. No. 402, 2008 Supreme Court of Delaware. Submitted: November 7, 2008 Decided: December 22, 2008 Before HOLLAND, BERGER and JACOBS, Justices ORDER CAROLYN

BERGER, Justice. This 22nd day of December 2008, upon consideration of the briefs on appeal and the record below, it appears to the Court that: (1) The petitioner-appellant, Jose A. Gonzalez, filed an appeal from the Superior Court's July 18, 2008 order denying his petition for a writ of habeas corpus.

We find no merit to the appeal. Accordingly, we AFFIRM. (2) In August 2003, Gonzalez was arrested and charged with Misdemeanor Shoplifting, Failure to Transfer Title and Registration, and Driving While Suspended or Revoked.

Because of Gonzalez' repeated failure to appear in court, the charges remained unresolved for over four years. In November 2007, Gonzalez was arrested on two new charges of Felony Shoplifting. Gonzalez subsequently pleaded guilty in the Superior Court to one count of Felony Shoplifting and was sentenced to 2 years at Level V, to be suspended after 90 days for 12 months at Level III.

In order to resolve his previous charges, Gonzalez also pleaded guilty in the Court of Common Pleas to Misdemeanor Shoplifting and Driving While Suspended or Revoked in exchange for dismissal of the charge of Failure to Transfer Title and Registration. He was sentenced on the shoplifting conviction to 6 months at Level V and, on the conviction of driving with a suspended license, to 60 days at Level V. (3) In this appeal, Gonzalez claims that there is an outstanding warrant for the arrest of his brother, Jesus A. Gonzalez, in Pennsylvania.

He alleges that he and his brother are almost identical in appearance and that his brother has used his name as an alias. Gonzalez anticipates that, once his sentence in Delaware is completed, he will continue to be detained because of a misunderstanding that he, and not his brother, is the subject of the arrest warrant.

In his petition for a writ of habeas corpus filed in the Superior Court, Gonzalez sought the issuance of an order preventing him from being detained beyond the date of his Level V sentence. (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] (5) In this case, Gonzalez presents no evidence that the charges brought against him in Delaware were invalid or that the Superior Court did not have jurisdiction over those charges.

Rather, he requested the Superior Court to issue an order, prospectively, preventing an arrest warrant applicable to his brother from being used by the Delaware authorities to interfere with his release date. Because Gonzalez' request does not fall within the proper scope of a writ of habeas corpus, the Superior Court properly denied his petition. NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

NOTES [1] Hall v. Carr, 692 A.2d 888, 891 (Del. 1997). [2] Id. [3] Id. (quoting Del. Code Ann. tit. 10, § 6902(1)).

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/delaware-supreme-court-of-delaware/2008/gonzalez-v-morgan-ftth88w0>