

SUPREME COURT OF THE STATE OF DELAWARE

Gordon v. Metzger

No. 426, 2018 · No. No. 426, 2018 · Decided January 10, 2019

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Anthony Gordon’s petition for a writ of habeas corpus. The court held that habeas relief was unavailable because Gordon did not show that the sentencing court lacked jurisdiction or that his commitment order was invalid, and he could not use habeas corpus to raise an indictment-defect claim not previously presented on direct appeal or in postconviction proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr.; Vaughn, Justice; Seitz, Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	January 10, 2019
DOCKET	No. 426, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anthony Gordon appealed the Superior Court's denial of his petition for a writ of habeas corpus. The State moved to affirm under Delaware's summary-affirmance procedure, and the Supreme Court granted the motion and affirmed.
STANDARD OF REVIEW	The appeal was resolved by summary affirmance because it was manifest on the face of Gordon's opening brief that the appeal was without merit. Habeas relief was reviewed under Delaware's limited jurisdictional standard.
PRECEDENTIAL VALUE	Published Delaware Supreme Court per curiam order
PARTIES	Anthony Gordon v. Dana Metzger

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Delaware habeas corpus relief was available to challenge an allegedly defective indictment after the petitioner had not raised the claim on direct appeal or in postconviction proceedings.
2. Whether the petitioner showed that the Superior Court lacked jurisdiction to sentence him or that his order of commitment was facially invalid.

HOLDINGS

1. Delaware habeas corpus provides relief only to obtain judicial review of the jurisdiction of the court ordering the commitment; when the commitment is regular on its face and the court clearly had subject-matter jurisdiction, habeas relief is unavailable.
2. A petitioner may not use a habeas corpus petition as a substitute for a timely appeal or as a means to seek postconviction relief.

KEY QUOTATIONS

“Habeas corpus provides an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment.” (at 2)

“Gordon may not use a petition for a writ of habeas corpus as a substitute for a timely-filed appeal or to seek postconviction relief.” (at 3)

FACTUAL BACKGROUND

Gordon was indicted in 2011 on three counts of second-degree rape, one count of fourth-degree rape, and one count of second-degree unlawful sexual contact. After a two-day trial in 2013, he was convicted of two counts of second-degree rape and one count of fourth-degree rape and received a total sentence of thirty-five years of Level V incarceration, suspended after twenty-one years for decreasing levels of supervision. After losing his direct appeal and a postconviction proceeding, he filed a habeas petition alleging that the indictment was defective.

PROCEDURAL HISTORY

Gordon was convicted after a 2013 trial and sentenced to thirty-five years of Level V incarceration, suspended after twenty-one years for decreasing levels of supervision. The Supreme Court affirmed his convictions on direct appeal and later affirmed the denial of his motion for postconviction relief. Gordon then filed a habeas petition alleging that his indictment was defective; the Superior Court denied relief, concluding that he was legally detained, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Hall v. Carr, 692 A.2d 888, 891 (Del. 1997)
- Curran v. Wooley, 104 A.2d 771, 773 (Del. 1954)
- State v. Gordon, Del. Super., Cr. ID No. 1109011777 (N)
- Gordon v. State, 2013 WL 6569705 (Del. Dec. 11, 2013)
- Gordon v. State, 2017 WL 4857111 (Del. Oct. 25, 2017)
- Johnson v. State, 2013 WL 6044393, at *2 (Del. Nov. 13, 2013)
- In re Barbee, 693 A.2d 317, 319 (Del. 1997)
- Short v. State, 2014 WL 2159049 (Del. May 20, 2014)

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