



IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER HARRY WEST, §
Petitioner Below, § No. 284, 2023
Appellant, §
§ Court Below—Superior Court
§ of the State of Delaware
v. §
§ C.A. No. N23M-07-045
ROBERT MAY, WARDEN, § Cr. ID No. 1107001026 (N)
§
§ Respondent Below, §
Appellee. §

Submitted: December 11, 2023
Decided: February 20, 2024

Before **SEITZ**, Chief Justice; **TRAYNOR** and **GRIFFITHS**, Justices.

ORDER

After consideration of the appellant's opening brief, the appellee's motion to affirm, and the record on appeal, it appears to the Court that:

(1) The appellant, Christopher Harry West, filed this appeal from the Superior Court's denial of his petition for a writ of habeas corpus. The State of Delaware, as the real party in interest, has moved to affirm the judgment below on the ground that it is manifest on the face of West's opening brief that his appeal is without merit. We agree and affirm.

(2) In 2012, West pleaded guilty to one count of first-degree robbery and one count of second-degree robbery. Following a presentence investigation, the Superior Court sentenced West for first-degree robbery as a habitual offender under

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then-extant 11 Del. C. § 4214(a) to twenty-five years. For second-degree robbery, the Superior Court imposed a suspended sentence. West did not appeal his convictions or sentence.

(3) In 2013, West filed a motion for postconviction relief under Superior Court Criminal Rule 61, claiming that trial counsel had provided ineffective assistance, he involuntarily pleaded guilty, and his confession had been coerced. After expanding the record with briefing and an affidavit from trial counsel addressing West's claims of ineffective assistance of counsel, the Superior Court denied the motion. We affirmed its denial on appeal.¹

(4) In 2015 and 2016, West filed his second and third motions for postconviction relief, which the Superior Court denied. West appealed the denial of his third motion for postconviction relief, and we affirmed.² In so doing, we stated that, “[g]oing forward, the Court will not continue to invest scarce judicial resources to address procedurally barred claims,” and directed West to be mindful of Rule 61(j).³

(5) In 2020, West filed a petition for a writ of habeas corpus. The Superior Court denied the petition, finding West to be legally detained. West did not appeal.

¹ *West v. State*, 2014 WL 4264922 (Del. Aug. 28, 2014).

² *West v. State*, 2016 WL 4547912 (Del. Aug. 31, 2016).

³ *Id.* at *2; Del. Super. Ct. Crim. R. 61(j) (“If a [postconviction] motion is denied, the state may move for an order requiring the movant to reimburse the state for costs and expenses paid for the movant from public funds.”).

In July 2023, West filed another petition for a writ of habeas corpus. The Superior Court denied the petition, again finding West to be lawfully detained. This appeal followed.

(6) In his opening brief on appeal, West's arguments may be fairly summarized as follows: (i) the process by which Rule 61 was amended in 2014 was flawed; (ii) counsel appointed to represent him in his initial postconviction proceedings was ineffective; (iii) trial counsel was ineffective; and (iv) habeas relief should be available to him because his claims are procedurally barred under the current version of Rule 61. West is not entitled to habeas corpus relief.

(7) Under Delaware law, the writ of habeas corpus provides relief on a very limited basis.⁴ A writ of habeas corpus may not be issued to any person committed or detained on a felony charge that is plainly and fully set forth in the commitment.⁵ Where the commitment is regular on its face and the court has jurisdiction over the subject matter, habeas corpus does not afford a remedy to the petitioner.⁶

(8) Although West claims that jurisdiction "never attached to him,"⁷ he is mistaken. The Superior Court clearly has jurisdiction over the disposition of felony charges. And West does not dispute that his commitment is regular on its face.

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

⁵ 10 Del. C. § 6902(1).

⁶ *Jones v. Anderson*, 183 A.2d 177, 178 (Del. 1962); *Curran v. Wooley*, 104 A.2d 771, 773 (Del. 1954).

⁷ Opening Br. at 12.

Finally, West's claims relating to counsel's performance are not cognizable in a petition for a writ of habeas corpus.⁸ We therefore conclude that the Superior Court's denial of West's petition for a writ of habeas corpus was proper. We warn West for a final time that the Court will not continue to invest scarce judicial resources to address his procedurally barred claims.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice

⁸ *Grantham v. State*, 2012 WL 385613, at *1 (Del. Feb. 6, 2012). See Del. Super. Ct. Crim. R. 61(a)(2) (providing that postconviction relief "may not be sought by a petition for a writ of habeas corpus or in any manner other than" under Rule 61).



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Submitted: March 5, 2024
Decided: March 11, 2024

Before **SEITZ**, Chief Justice; **VALIHURA**, **TRAYNOR**, **LEGROW**, and **GRIFFITHS**, Justices, constituting Court *en banc*.

ORDER

This 11th day of March, 2024, the Court has carefully considered the motion for rehearing *en banc* filed by appellant, and it appears that the motion is without merit and should be denied.

NOW, THEREFORE, IT IS ORDERED that the motion for rehearing *en banc* is DENIED.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice

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