

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WARD T. EVANS,	§
	§
Petitioner Below-	§ No. 503, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
ROBERT SNYDER, ¹	§ in and for Kent County
	§ C.A. No. 01M-09-007
Respondent Below-	§
Appellee.	§

Submitted: November 13, 2001
Decided: December 7, 2001

Before **VEASEY**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

ORDER

This 7th day of December 2001, upon consideration of the appellant's opening brief and the State of Delaware's motion to affirm, it appears to the Court that:

(1) The appellant, Ward Evans, filed this appeal from an order of the Superior Court denying his petition for a writ of habeas corpus. The State of Delaware has moved to affirm the judgment of the Superior Court on the ground that it is manifest on the face of Evans' opening brief that the appeal is without merit.² We agree and affirm.

¹ Snyder recently retired as Warden of the Delaware Correctional Center.

² Supr. Ct. R. 25(a).

(2) In 1983, the Superior Court sentenced Evans to life imprisonment with the possibility of parole. Evans filed his most recent petition for a writ of habeas corpus asserting that the Department of Correction has violated his due process rights by improperly reclassified him to the maximum security housing unit and then to solitary confinement within the prison and has illegally restrained him by restricting his movement and his access to other privileges within the institution. Evans contends that he is being improperly punished by correctional authorities for his refusal to participate in programs within the institution that were not required by the Superior Court's sentencing order.

(3) In Delaware, the writ of habeas corpus "provides relief on a very limited basis."³ It is available only to insure that the petitioning prisoner is being held pursuant to a legally valid commitment issued by a court of competent jurisdiction.⁴ Accordingly, Evans' present complaints about the restriction of his institutional privileges due to his refusal to participate in rehabilitative programs are not subject to review through a writ of habeas corpus.

(4) Accordingly, we find it manifest on the face of Evans' opening brief that this appeal is without merit because the issues presented on appeal

³ *Hall v. Carr*, Del. Supr., 692 A.2d 888, 891 (1997).

clearly are controlled by settled Delaware law, and, to the extent that judicial discretion is implicated, clearly there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State's motion to affirm is GRANTED. The judgment of the Superior Court is hereby AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

⁴ *Id.*; *Curran v. Woolley*, Del. Supr., 104 A.2d 771 (1954).