

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEONARD INGRAM,	§	
	§	No. 479, 2001
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware, in
v.	§	and for Kent County in C.A.
	§	01M-09-005.
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.		

Submitted: November 2, 2001

Decided: January 15, 2002

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

ORDER

This 15th day of January 2002, it appears to the Court that:

(1) The appellant, Leonard Ingram, has filed this appeal from the Superior Court’s denial of his petition for a writ of habeas corpus. The appellee, State of Delaware, has moved to affirm the judgment of the Superior Court on the ground that it is manifest on the face of Ingram’s opening brief that this appeal is without merit.

(2) In 1993, a jury found Ingram guilty of Possession with Intent to Deliver Cocaine.¹ Ingram was sentenced to ten years of incarceration.

¹The jury found Ingram not guilty of Delivery of Cocaine.

(3) On direct appeal, Ingram contended that there was insufficient evidence to convict him of Possession with Intent to Deliver Cocaine. This Court found Ingram's contention to be without merit and affirmed the conviction and sentence.²

(4) In September 2001, Ingram filed a petition for a writ of habeas corpus in the Superior Court. In his habeas corpus petition, and now in his opening brief on appeal, Ingram alleges that there was insufficient evidence to convict him of Possession with Intent to Deliver Cocaine and that his arrest was illegal. In his opening brief on appeal, Ingram also alleges, in conclusory fashion, that his trial counsel was ineffective.

(5) Ingram's contentions are not properly a matter subject to habeas corpus review. Habeas corpus is not a substitute for direct appeal or postconviction relief.³ After a judgment of conviction and sentencing, "the only material fact to be ascertained upon a petition for a writ of habeas corpus

²*Ingram v. State*, No. 367, 1993, 1994 WL 91240 (Del. Mar. 7, 1994) (ORDER).

³*See Curran v. Woolley*, 104 A.2d 771, 773 (Del. 1954) (on petition for writ of habeas corpus, prisoner may not obtain release by alleging trial errors).

is the existence of a judgment of conviction by a court of competent jurisdiction and a valid commitment of the prisoner to enforce the sentence.”⁴

(6) The conditions are satisfied in this case. Ingram was tried in a court of competent jurisdiction, was convicted of a felony offense,⁵ and was appropriately sentenced.⁶ The Superior Court was correct in denying Ingram’s petition for a writ of habeas corpus.

(7) It is manifest on the face of Ingram’s opening brief that this appeal is without merit. The issues presented in this appeal are clearly controlled by settled Delaware law.

NOW, THEREFORE, IT IS ORDERED that the State’s motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT

/s/ Randy J. Holland
Justice

⁴*Skinner v. State*, 135 A.2d 612, 613 (Del. 1957) (citing *Curran*, 104 A.2d at 773).

⁵Possession with Intent to Deliver Cocaine is a class C felony. DEL. CODE ANN. tit. 16, § 4751 (1995).

⁶A class C felony is punishable up to 10 years at Level V. DEL. CODE ANN. tit. 11, § 4205 (2001). The Superior Court has personal and subject matter jurisdiction over adults indicted for felony crimes. See DEL. CONST. art. IV, § 7; DEL. CODE ANN. tit. 11, § 2701 (2001); *Slater v. State*, 606 A.2d 1334, 1337 (Del. 1992).