

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF DAVID J. § No. 312, 2008
BUCHANAN FOR A WRIT OF §
PROHIBITION §

Submitted: July 8, 2008
Decided: July 23, 2008

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 23rd day of July 2008, it appears to the Court that:

(1) Petitioner David J. Buchanan has filed a petition for a writ of prohibition pursuant to Supreme Court Rule 43. Buchanan, who is currently in custody in default of bail, requests this Court to compel the Superior Court to release him on the ground that the Superior Court was without jurisdiction to sentence him and, moreover, set his bail in an “oppressive amount.”

(2) Buchanan’s petition must be dismissed because it duplicates a previous petition for a writ of prohibition he filed in May 2008, which this Court dismissed¹ on the ground that Buchanan had failed to demonstrate

¹ *In re Buchanan*, Del. Supr., No. 265, 2008, Holland, J. (June 25, 2008).

either that the Superior Court lacked jurisdiction over him² or that he did not have an adequate remedy by way of the appeal process.³

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of prohibition is DISMISSED.⁴

BY THE COURT:

/s/ Carolyn Berger
Justice

² *In re Hovey*, 545 A.2d 626, 628 (Del. 1988).

³ *Id.*

⁴ Buchanan's "notice of ineffective counsel" is hereby stricken as a non-conforming document. Supr. Ct. R. 34.