

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§	
PETITION OF GEORGE R.	§	No. 318, 2005
GOODLETT, JR., FOR A	§	
WRIT OF PROHIBITION.	§	Def. ID Nos. 0408002660
	§	0408009977
	§	0409003817
	§	

Submitted: August 8, 2005
Decided: September 21, 2005

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

ORDER

This 21st day of September 2005, upon consideration of the petition for a writ of prohibition filed by George R. Goodlett, Jr., and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) On January 12, 2005, Goodlett pleaded guilty in the Superior Court to one count each of Burglary in the Third Degree, Assault in the Third Degree, Criminal Mischief and Non-Compliance with Conditions of Bond. The Superior Court ordered a presentence investigation.¹

(2) In March 2005, Goodlett filed a pro se motion to withdraw his guilty plea. The Superior Court referred the motion to Goodlett's defense counsel and informed counsel and Goodlett that the Court would hear the

¹*State v. Goodlett*, Del. Super., Cr. ID Nos. 0409003817, 0408009977, 0408002660, Stokes, J. (Jan. 12, 2005).

motion at sentencing in June 2005. On June 30, 2005, the Superior Court reserved decision on the motion to withdraw the guilty plea and continued the sentencing.

(3) The Superior Court denied Goodlett's motion to withdraw the guilty plea on August 16, 2005.² According to the Kent County Prothonotary, Goodlett is scheduled to be sentenced on September 29, 2005.

(4) In his petition for a writ of prohibition, Goodlett contends that the Superior Court lost jurisdiction to consider his case as a result of alleged defects in the January 12, 2005 plea colloquy and the June 30, 2005 proceeding on the motion to withdraw his guilty plea. Goodlett contends that he is entitled to the issuance of a writ of prohibition because he lacks a full understanding of the law and has a conflict with his defense counsel.

(5) A writ of prohibition is the legal equivalent of the equitable remedy of injunction and may be issued to prevent a trial court from (a) proceeding in a matter where it has no jurisdiction, or (b) exceeding its

² See *State v. Goodlett*, Del. Super., ID Nos. 0409003817, 0408009977, 0408002660, Young, J. (Aug. 16, 2005) (order denying defendant's motion for a preliminary injunction, motion to withdraw plea, motion to amend motion to withdraw, motion to disqualify counsel and motion to appoint counsel).

jurisdiction in a matter that is properly before it.³ The jurisdictional defect must be manifest upon the record, and the burden is on the petitioner to demonstrate by clear and convincing evidence that the trial court is without jurisdiction or is attempting to exceed its jurisdiction.⁴

(6) The writ of prohibition is used to grant relief when the traditional appeal route is unavailable or will not provide an adequate remedy at law.⁵ “The right to appeal a criminal conviction is generally considered a complete and adequate remedy to review all of the questions presented in a criminal proceeding.”⁶ Conversely, the writ of prohibition is not available for use as a substitute for the ordinary appellate process.⁷

(7) In the petition for a writ of prohibition in this case, Goodlett has not demonstrated that the Superior Court was without jurisdiction or exceeded its jurisdiction when it accepted his guilty plea on January 12, 2005 and considered his motion to withdraw the guilty plea at the proceeding on June 30,

³See *In re Drake*, 1995 WL 788623 (Del. Supr.) (citing *In re Hovey*, 545 A.2d 626, 628 (Del. 1988)).

⁴*In re Hovey*, 545 A.2d 626, 628, 629 (Del. 1988).

⁵*Id.* at 628.

⁶*Id.* (emphasis omitted).

⁷*Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).

2005. Also, Goodlett offers no basis for the Court to conclude that the appellate remedy is insufficient in his case. Once Goodlett is sentenced, and in the event the sentence satisfies the jurisdictional requirements of the Delaware Constitution,⁸ he will have the right to file a direct appeal challenging the validity of his guilty plea and the Superior Court's denial of his motion to withdraw the plea.⁹

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is GRANTED. The petition for a writ of prohibition is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

⁸See Del. Const. art. IV, § 11(1)(b) (providing that Supreme Court's criminal appellate jurisdiction is limited to cases "in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding One Hundred Dollars").

⁹See, e.g., *Tolliver v. State*, 1997 WL 683297 (Del. Supr.) (affirming Superior Court judgment in direct appeal from denial of motion to withdraw guilty plea); cf. *McNeill v. State*, 2001 WL 1756943 (Del. Supr.) (dismissing as criminal interlocutory appeal from Superior Court's presentencing denial of defendant's motion to withdraw guilty plea).