

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF AUGUSTUS § No. 246, 2007
HEBREW EVANS, JR., FOR A §
WRIT OF CERTIORARI §

Submitted: June 4, 2007
Decided: July 24, 2007

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

ORDER

This 24th day of July 2007, it appears to the Court that:

(1) The petitioner, Augustus Hebrew Evans, Jr., seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari. He contends that there are irregularities associated with his indictment and his arrest on charges of robbery, assault and weapon offenses. Evans seeks dismissal of the indictment against him. The State of Delaware has filed an answer requesting that the petition be dismissed. We find that Evans' petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) A writ of certiorari is an extraordinary remedy that is available in limited circumstances and when no other adequate remedy is available.¹

¹ *Shoemaker v. State*, 375 A.2d 431, 437-38 (Del. 1977).

In certiorari, review generally is confined to jurisdictional matters, errors of law, or procedural irregularities that are manifest on the record.²

(3) Because Evans' argument concerning alleged irregularities with his indictment and arrest may be advanced on appeal, he has failed to demonstrate that no other remedy is available to him. As such, Evans is not entitled to the issuance of a writ of certiorari.

NOW, THEREFORE, IT IS ORDERED that Evan's petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice

² *Haskins v. Williams*, Del. Supr., No. 633, 2006, Steele, C.J. (Mar. 8, 2007); *Vincent v. State*, Del. Supr., No. 232, 2006, Jacobs, J. (Sept. 26, 2006).