

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JAMES A. § No. 109, 2003
BIGGINS FOR A WRIT OF §
PROHIBITION. § Def. ID No. 9609015504

Submitted: March 20, 2003

Decided: April 7, 2003

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

ORDER

This 7th day of April 2003, upon consideration of the petition of James A. Biggins for a writ of prohibition, and the State's motion to dismiss, it appears to the Court that:

(1) In 1997, a Superior Court jury convicted James A. Biggins of three counts of Unlawful Sexual Intercourse in the Second Degree and one count each of Assault in the Third Degree and Unlawful Imprisonment in the Second Degree. Biggins' convictions were affirmed on direct appeal.¹

(2) In February 2000, the Superior Court denied Biggins' postconviction motion. The Superior Court's decision was affirmed on appeal.² In December 2000, the Superior Court denied Biggins' "motion for judgment of acquittal." On appeal, this Court affirmed.³

¹ *Biggins v. State*, 1999 WL 1192332 (Del. Supr.).

² *Biggins v. State*, 2000 WL 1504868 (Del. Supr.).

³ *Biggins v. State*, 2001 WL 760859 (Del. Supr.).

(3) In his petition for a writ of prohibition in this Court, Biggins claims that the Superior Court was without jurisdiction to convict him in 1997 because of a defect in his extradition from Maryland and because he was improperly charged by information instead of by an indictment. The State has filed a motion to dismiss on the ground that Biggins' petition is untimely and unavailing. We agree.

(4) This Court has the authority to issue a writ of prohibition to prevent a court in this State from exceeding the limits of its jurisdiction in either a civil or criminal proceeding.⁴ A writ of prohibition is designed primarily to keep the administration of justice in orderly channels.⁵

(5) In this case, Biggins was tried and convicted more than five years ago. Thus, Biggins' petition to prevent criminal proceedings against him simply comes too late and must be dismissed.⁶ Moreover, it appears that the claims advanced by Biggins were resolved against him in the postconviction proceedings in 2000. Biggins may not relitigate those claims by restating them in the form of a petition for extraordinary relief.

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

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

⁵ *Id.*

⁶ *See Black v. State*, 2000 WL 1627205 (Del. Supr.).

BY THE COURT:

/s/ Randy J. Holland

Justice