

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE § No. 184, 2020
PETITION OF ERIC BERNARD §
SIMMONS FOR A WRIT OF §
PROHIBITION §

Submitted: July 9, 2020

Decided: July 10, 2020

Before **VALIHURA, VAUGHN, and TRAYNOR**, Justices.

ORDER

After consideration of the petition for a writ of prohibition and the answer and motion to dismiss, it appears to the Court that:

(1) The petitioner, Eric Bernard Simmons, was convicted of various drug, weapons, and traffic offenses and sentenced in September 2017 to ten years of unsuspended Level V imprisonment, among other penalties. Simmons now seeks to invoke the original jurisdiction of this Court, under Supreme Court Rule 43, to issue a writ of prohibition to the Superior Court. His petition for a writ of prohibition asserts that the Superior Court lacked jurisdiction to adjudicate the charges against him, and his convictions are null and void, because he is “a private man and not a person” as defined in the Delaware Code. He contends that the General Assembly intended the word “person” as used in Titles 11, 16 and 21 of the Delaware Code to mean “artificial commercial entities.”

(2) A writ of prohibition is the legal equivalent of the equitable remedy of an injunction.¹ Its purpose is to keep a trial court within the limits of its own jurisdiction.²

(3) Simmons has not shown that he is entitled to the issuance of a writ of prohibition. Contrary to his assertion, “person” as defined in Title 11 includes, among other things, “a human being who has been born and is alive.”³ Similarly, the definitions of “person” in Titles 16 and 21 include an “individual.”⁴ The petition must therefore be dismissed.

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

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice

¹ *In re Hovey*, 545 A.2d 626, 628 (Del. 1988).

² *Id.*

³ 11 *Del. C.* § 222(21).

⁴ 16 *Del. C.* § 4701(35); 21 *Del. C.* § 101(53).