

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §  
PETITION OF DAVID M. § No. 277, 2012  
WILLIAMS FOR A WRIT OF §  
PROHIBITION §

Submitted: June 12, 2012

Decided: June 27, 2012

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

**ORDER**

This 27<sup>th</sup> day of June 2012, upon consideration of David Williams' petition for a writ of prohibition and the State's answer and motion to dismiss, it appears to the Court that:

(1) David Williams has filed a petition seeking to invoke the original jurisdiction of this Court pursuant to Supreme Court Rule 43 to issue an extraordinary writ of prohibition to the Superior Court. Williams requests that the Superior Court be directed to "review MOTION FILED 4217" in Cr. ID Nos. 9803018202A and 9803018202B. The State of Delaware has filed an answer and a motion to dismiss the petition for an extraordinary writ. We find that Williams' petition manifestly fails to invoke this Court's original jurisdiction. Accordingly, the petition must be dismissed.

(2) The record reflects that, in 1999, Williams was convicted of multiple criminal offenses. The Superior Court found that he was a habitual

offender and sentenced him to a lengthy term of incarceration. This Court affirmed his convictions and sentence on direct appeal.<sup>1</sup> Since that time, Williams has filed numerous motions seeking modification of his sentence and numerous appeals from the Superior Court's rulings. His most recent appeal in this Court, No. 285, 2011, was from the Superior Court's denial of his motion for appointment of counsel and was dismissed.<sup>2</sup>

(3) While it is not at all clear, Williams appears to be requesting in his present petition the right to appeal from some prior order of the Superior Court.<sup>3</sup> The extraordinary writ process, however, cannot be used as a substitute for a timely filed appeal.<sup>4</sup>

NOW, THEREFORE, IT IS ORDERED that Williams' petition for the issuance of an extraordinary writ is DENIED. The State's motion to dismiss is GRANTED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>1</sup> *Williams v. State*, 2000 WL 975057 (Del. May 30, 2000).

<sup>2</sup> *Williams v. State*, 2011 WL 2601344 (Del. June 30, 2011).

<sup>3</sup> Williams' petition refers to a "Motion filed 4217," which was docketed by the Superior Court on April 27, 2011 and denied by the Superior Court on April 29, 2011. Williams did not appeal from that order. His petition also refers to his prior appeal in this Court, No. 285, 2011, from the Superior Court's order dated May 10, 2011, which we dismissed for Williams' failure to respond to a Rule to Show Cause.

<sup>4</sup> *Canaday v. Superior Court*, 116 A.2d 678, 682 (Del. 1955).