

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE
PETITION OF KEAVNEY L.
WATSON FOR A WRIT OF
PROHIBITION.

No. 120, 2001

Submitted: March 29, 2001

Decided: April 27, 2001

Before **VEASEY**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 27th day of April 2001, upon consideration of the *pro se* petition for a writ of prohibition filed by Keavney L. Watson and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) In September 1999, Watson was arrested by the State police in an undercover drug operation. As a result of that arrest, Watson was charged by grand jury indictment with two offenses: possession with intent to deliver a non-narcotic controlled substance and possession of drug paraphernalia.

(2) In June 2000, Watson was convicted in the Superior Court of the lesser-included offense of possession of a non-narcotic controlled substance as well as possession of drug paraphernalia. Watson was

sentenced, in August 2000, to a total of three years imprisonment, suspended upon completion of a prison drug treatment program, for the balance of the term in residential drug treatment and on probation. Watson's direct appeal is pending in this Court, where he is represented by counsel.¹

(3) In his petition for a writ of prohibition, Watson claims that the undercover police officers who arrested him acted outside of their "job jurisdiction." Watson appears to argue that, as a result of the illegal arrest, he should be relieved from all foreseeable consequences of the arrest including: (i) his June 2000 Superior Court drug conviction that is currently on appeal in this Court; (ii) a related February 2000 Superior Court conviction of violation of probation; (iii) a November 1999 Superior Court conviction of unauthorized use of a vehicle; (iv) an October 1999 Family Court guilty plea to theft; and (v) various fines imposed in the Court of Common Pleas. It is clear that Watson's petition for a writ of prohibition must be dismissed.

(4) A writ of prohibition may be issued to prevent a trial court from proceeding in a matter when it has no jurisdiction or to prevent the

¹ *Watson v. State*, Del. Supr., No. 422, 2000.

court from exceeding its jurisdiction in a matter that is properly before it.² In his Superior Court and Family Court cases, Watson has been charged, tried (or pleaded guilty), and convicted. Consequently, Watson's petition to prevent the criminal proceedings against him in those cases comes too late. Moreover, a petition for a writ of prohibition issuable to the Court of Common Pleas must be first presented to, and denied by, the Superior Court.³

(5) 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.⁴ It is not available for use as a substitute for the ordinary appellate process.⁵

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

BY THE COURT:

/s/ Randy J. Holland
Justice

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

³ *See* Supr. Ct. R. 43(b)(vi).

⁴ *In re Hovey*, 545 A.2d at 628.

⁵ *Matushefske v. Herlihy*, Del. Supr., 214 A.2d 883, 885 (1965).