

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF GREGORY S. § No. 424, 2002
PHILLIPS FOR A WRIT OF §
ERROR CORAM VOBIS. §

Submitted: August 7, 2002
Decided: September 30, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices.

ORDER

This 30th day of September 2002, upon consideration of the petition of Gregory S. Phillips for a writ of error coram vobis, and the State of Delaware's answer and motion to dismiss, it appears to the Court that:

(1) In June 1997, Phillips pleaded guilty to several charges, including Reckless Endangerment in the First Degree, and was sentenced.¹ Phillips has filed a "writ of error coram vobis" in which he claims that he is factually innocent of the reckless endangering charge. Phillips asks this Court to direct the Superior Court to consider his claim. In a motion filed on July 30, 2002, Phillips requests the appointment of counsel.

¹See generally *Phillips v. State*, 2002 WL 229503 (Del. Supr.).

(2) The original jurisdiction of this Court is set forth in Article IV, section 11(6) of the Delaware Constitution. The writ of error coram vobis is not one of the extraordinary writs within the original jurisdiction of this Court.² Thus, Phillips' petition for a writ of error coram vobis must be dismissed for lack of jurisdiction.

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is GRANTED. Phillips' petition for a writ of error coram vobis is DISMISSED. The motion for appointment of counsel is moot.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

²See Del. Const. art. IV, § 11(6) (providing that the Court may issue "writs of prohibition, quo warranto, certiorari and mandamus" to the Superior Court and other courts). "Writs of error" have been abolished. The Supreme Court now hears "appeals" in criminal cases. Del. Const. art. IV, § 11(1)(b) and (2).