

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAYMOND L. VINCENT,	§	
	§	No. 232, 2006
Petitioner Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in
v.	§	and for Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Respondent Below,	§	C.A. No. 06A-04-004
Appellee.	§	

Submitted: June 29, 2006  
Decided: September 26, 2006

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 26<sup>th</sup> day of September 2006, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) On March 6, 2006, after a bench trial in the Sussex County Court of Common Pleas, the appellant, Raymond L. Vincent, was found guilty of Maintaining a Fire Hazard<sup>1</sup> and was sentenced to five days in prison suspended for six months of probation.<sup>2</sup> Vincent appealed the conviction to the Superior

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<sup>1</sup>See Del. Code Ann. tit. 16, § 6611 (2003 & Supp. 2004) (providing definition of and penalty for maintenance of fire hazard).

<sup>2</sup>*State v. Vincent*, Del. Ct. Com. Pl., Def. ID No. 0512015642, Clark, J. (March 6, 2006).

Court. By order dated April 13, 2006, the Superior Court dismissed the appeal for lack of jurisdiction.<sup>3</sup>

(2) On April 24, 2006, Vincent filed a petition in the Superior Court seeking extraordinary relief, *i.e.*, the issuance of writs of certiorari and mandamus to the Court of Common Pleas. By order dated May 3, 2006, the Superior Court dismissed Vincent's petition. This appeal followed.

(3) Writs of certiorari and mandamus are extraordinary remedies that are available in limited circumstances and when no other adequate remedy is available.<sup>4</sup> Mandamus will not issue unless the petitioner can show that he has the clear right to an action that the trial court arbitrarily failed or refused to perform.<sup>5</sup> In certiorari, review is generally confined to jurisdictional matters, errors of law or procedural irregularities that are manifest on the record.<sup>6</sup> In

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<sup>3</sup>*Vincent v. State*, Del. Super. Ct., Def. ID No. 0512015642, Graves, J. (April 13, 2006) (citing Del. Const. art. IV, § 28; Del. Code Ann. tit. 11, § 5301(c) (2001) (providing for right of appeal to Superior Court from criminal conviction in Court of Common Pleas when prison sentence imposed exceeds thirty days)).

<sup>4</sup>*In re Bass*, 1992 WL 183105 (Del. Supr.) (citing *In re Bordley*, 545 A.2d 619, 620 (Del. 1988); *Shoemaker v. State*, 375 A.2d 431, 438 (Del. 1977)).

<sup>5</sup>*Id.*

<sup>6</sup>*Hurst v. State*, 2003 WL 21810821 (Del. Supr.) (citing *Goldstein v. City of Wilmington*, 598 A.2d149, 152 (Del. 1991)).

both certiorari and mandamus, the reviewing may not direct that the trial court decide a matter in a particular way.<sup>7</sup>

(4) It is manifest on the face of Vincent’s opening brief that this appeal is without merit. Vincent’s petition for extraordinary relief challenged the Court of Common Pleas’ denial of his “motion for unlawful arrest” and asked the Superior Court to overturn his conviction. The Superior Court properly dismissed the petition after concluding that the record did not manifest a jurisdictional issue, procedural irregularity or error or that the Court of Common Pleas had failed or refused to perform a duty owed to Vincent.

NOW, THEREFORE, IT IS ORDERED that the State’s motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>7</sup>*In re Bass*, 1992 WL 183105 (Del. Supr.) (citing *In re Bordley*, 545 A.2d 619, 620 (Del. 1988); *Shoemaker v. State*, 375 A.2d 431, 438 (Del. 1977)).