

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION FOR A WRIT OF § No. 63, 2007
CERTIORARI BY SALAH a/k/a § Cr. ID No. 0506014139
CECIL HALL §

Submitted: March 1, 2007
Decided: May 17, 2007

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

ORDER

This 17th day of May 2007, upon consideration of the petition of Cecil Hall for a writ of certiorari and the State's answer and motion to dismiss,¹ it appears to the Court that:

(1) In August 2006, Cecil Hall pleaded guilty to two counts of Burglary in the Third Degree. At sentencing in December 2006, the Superior Court declared Hall to be a habitual offender pursuant to title 11, section 4214(a) of the Delaware Code and sentenced him to a total of twelve years of imprisonment suspended after ten years for a total of two years at Levels IV and III.² Hall filed an appeal.³

¹The Court has not considered Hall's unsolicited responses to the State's answer and motion to dismiss. *See* Del. Supr. Ct. R. 43(b)(ii) (2007) (prohibiting further submissions unless directed by the Court).

²*State v. Hall*, Del. Super., Cr. ID No. 0506014139, (Dec. 1, 2006) (order of sentence).

³*Id.*, *appeal docketed*, No. 649, 2006 (Del. Supr. Dec. 12, 2006).

(2) In his petition for a writ of certiorari, Hall contends that title 11, section 4214(a) is unconstitutionally vague and otherwise inapplicable as to him and other chemically dependent criminal defendants. Hall seeks an order vacating both the December 1, 2006 sentence and his status as a habitual offender. Hall also seeks an evidentiary hearing to present expert testimony on “recent advances in medical knowledge pertaining to chemical dependency.”

(3) Under Delaware law, a petition for a writ of certiorari is available to challenge a final order of a trial court “in the absence of the right of appeal or other adequate remedy.”⁴ “Where these threshold requirements are not met, this Court has no jurisdiction to consider the petitioner’s claims.”⁵

⁴*See In re Hall*, 1994 WL 35372 (Del. Supr.) (dismissing certiorari petition for lack of jurisdiction (citing *Shoemaker v. State*, 375 A.2d 431 (Del. 1997))).

⁵*In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).

(4) In this case, Hall has not established that he is without a remedy for his claims. Hall can challenge the constitutionality and application of section 4214(a) as part of his current direct appeal.⁶

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

⁶*See, e.g., Williams v. State*, 539 A.2d 164 (Del. 1988) (considering on direct appeal whether application of habitual offender statute and imposition of enhanced penalty was constitutionally permissible). The Court notes that Hall's opening brief on appeal is due to be filed no later than June 15, 2007. *See Hall v. State*, No. 649, 2006 (Del. Supr. April 17, 2007) (order establishing deadline for opening brief).