

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF AMIR FATIR FOR       § No. 355, 2007  
A WRIT OF CERTIORARI           §

Submitted: August 6, 2007  
Decided: September 19, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

**ORDER**

This 19th day of September 2007, upon consideration of the petition for a writ of certiorari, and the State's answer and motion to dismiss, it appears to the Court that:

(1) The petitioner, Amir Fatir, seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari.<sup>1</sup> Fatir claims that his conviction of Murder in the First Degree must be vacated in light of this Court's ruling in *Chao v. State*.<sup>2</sup> The State of Delaware has filed an answer and motion to dismiss. We conclude that Fatir's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) A writ of certiorari is an extraordinary remedy that is available only in limited circumstances and when no other adequate remedy is

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<sup>1</sup> Del. Const. art. IV, § 11(6).

<sup>2</sup> *Chao v. State*, 2007 WL 1774963 (Del. Supr.).

available.<sup>3</sup> In certiorari, review generally is confined to jurisdictional matters, errors of law, or procedural irregularities that are manifest on the record.<sup>4</sup>

(3) Because Fatir's claim concerning his murder conviction may be advanced in post conviction proceedings, he has failed to demonstrate that no other adequate remedy is available to him.<sup>5</sup> As such, Fatir is not entitled to the issuance of a writ of certiorari.

NOW, THEREFORE, IT IS ORDERED that Fatir's petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>3</sup> *Shoemaker v. State*, 375 A.2d 431, 437-38 (Del. 1977).

<sup>4</sup> *Haskins v. Williams*, Del. Supr., No. 633, Steele, C.J. (Mar. 8, 2007); *Vincent v. State*, Del. Supr., No. 232, 2006, Jacobs, J. (Sept. 26, 2006).

<sup>5</sup> In fact, Fatir states in his petition that his appeal of the Superior Court's denial of his motion for postconviction relief is presently before this Court.