

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                            |   |                        |
|----------------------------|---|------------------------|
|                            | § |                        |
| IN THE MATTER OF THE       | § |                        |
| PETITION OF JERON D. BROWN | § | No. 87, 2008           |
| FOR A WRIT OF PROHIBITION  | § | Def. ID No. 0401017178 |
|                            | § |                        |

Submitted: March 5, 2008

Decided: May 13, 2008

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices.

**ORDER**

This 13<sup>th</sup> day of May 2008, upon consideration of the petition for a writ of prohibition filed by Jeron D. Brown and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) In March 2005, Jeron D. Brown was convicted in the Superior Court of Burglary in the Second Degree, Theft, Criminal Mischief and Receiving Stolen Property. On direct appeal, Brown's convictions were affirmed.<sup>1</sup>

(2) Brown seeks the issuance of a writ of prohibition on the basis that the Superior Court allegedly lacked jurisdiction to convict him of

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<sup>1</sup> *Brown v. State*, 897A.2d 748 (Del. 2006).

Conspiracy in the Second Degree. Brown's petition manifestly fails to invoke the original jurisdiction of this Court.<sup>2</sup>

(3) The purpose of a writ of prohibition is to restrain a trial court from exceeding its jurisdiction.<sup>3</sup> Brown's petition offers no basis upon which to question the Superior Court's jurisdiction. The Superior Court never asserted jurisdiction over a felony conspiracy allegation in Brown's prosecution. Nor was Brown indicted or convicted of that offense.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> See Del. Const. art. IV, § 11(6) (2007) (defining Court's original jurisdiction to issue extraordinary writs); Del. Supr. Ct. R. 43 (governing exercise of Court's original jurisdiction over proceedings involving certain extraordinary writs).

<sup>3</sup> *In re Hovey*, 545 A.2d 626, 628 (Del. 1988).