

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§
PETITION OF DEVIN	§ No. 272, 2000
DICKERSON FOR A WRIT OF	§
PROHIBITION	§

Submitted: July 13, 2000
Decided: August 24, 2000

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

ORDER

This 24th day of August 2000, upon consideration of Devin Dickerson's petition for a writ of prohibition and the State's response and motion to dismiss, it appears to the Court that:

(1) The petitioner, Devin Dickerson, filed a petition with this Court for a writ of prohibition to prevent the Board of Parole from holding a revocation hearing. The gist of Dickerson's complaint is that the Board of Parole does not have jurisdiction to act in his case because he was on probation, not conditional release, at the time he allegedly committed new crimes. The State of Delaware, as the real party in interest, has filed a response and a motion to dismiss Dickerson's petition. After careful consideration of the parties' positions, we have determined that the State's motion to dismiss must be granted.

(2) This Court has original jurisdiction to issue a writ of prohibition to prevent a lower court from exceeding the limits of its jurisdiction.¹ Our jurisdiction is “limited to instances when the respondent is a court or a judge thereof.”² Accordingly, to the extent Dickerson requests a writ of prohibition directed to the Board of Parole, a non-judicial entity, his petition manifestly fails on its face to invoke the Court's original jurisdiction.

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

¹Supr. Ct. R. 43; *In re Hovey*, Del.Supr., 545 A.2d 626, 628 (1988).

²Del. Const. art. IV, § 11(6); *In re Hitchens*, Del. Supr., 600 A.2d 37, 38 (1991).