IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION OF JOSEPH J. O'LEARY, JR., FOR A WRIT OF CERTIORARI,	§ § § §	No. 21, 2013

Submitted: February 14, 2013
Decided: February 26, 2013

Before **HOLLAND**, **BERGER** and **JACOBS**, Justices

O R D E R

This 26th day of February 2013, upon consideration of Joseph J. O'Leary, Jr.'s petition for a writ of certiorari, and the State's answer and motion to dismiss, it appears to the Court that:

(1) O'Leary seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari[1] commanding Justice of the Peace Court 10 to review the evidence against him and hold a new trial by a jury of his peers or dismiss the action against him.[2] The State of Delaware has filed an answer to the petition and a motion to dismiss. We conclude that the petition manifestly fails to invoke the original jurisdiction of this Court and, therefore, must be dismissed.

[1] Del. Const. art. IV, 11(5).
[2] The petitioner takes issue with his arrest on February 17, 2011 by the Newport Police for a traffic violation and the resulting fine imposed by Justice of the Peace Court 10 on December 14, 2012.

(2) A writ of certiorari is an extraordinary remedy that is used to correct irregularities in the proceedings of a trial court.[3] Certiorari is available to challenge only a final order of a trial court where the right of appeal is denied, a grave question of public policy and interest is involved and no other basis for review is available.[4] Where these threshold requirements are not met, this Court has no jurisdiction to consider the petitioner's claims, and the proceedings must, therefore, be dismissed.[5] A petitioner may not use the writ process to argue issues that either were or could have been considered in a properly-filed appeal.[6]

(3) In this case, O'Leary has not demonstrated that his right of appeal was denied, a grave question of public policy is involved or that no other basis for review is available. As such, he has not met the threshold requirements for the issuance of a writ of certiorari by this Court and, therefore, his petition for a writ of certiorari must be dismissed.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

[3] *Shoemaker v. State*, 375 A.2d 431, 437 (Del. 1977).
[4] Id. at 437-38.
[5] *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).
[6] *In re Woods*, 2010 WL 2164529 (Del. May 28, 2010).