

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF BILLY G.               § No. 42, 2012  
JOHNSON FOR A WRIT OF           §  
ERROR CORAM NOBIS               §

Submitted: February 3, 2012  
Decided: February 8, 2012

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

**ORDER**

This 8<sup>th</sup> day of February 2012, it appears to the Court that:

(1) The petitioner, Billy G. Johnson, seeks to invoke this Court’s original jurisdiction to issue an extraordinary writ of error *coram nobis*. The State of Delaware has filed an answer requesting that Johnson’s petition be dismissed. We find that Johnson’s petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) In his petition, Johnson claims that documents “forwarded to the Supreme Court” by the Superior Court in *Johnson v State*, No. 641, 2011 contain “falsified information.”<sup>1</sup> He requests that the writ be issued directing the Superior Court to hold an evidentiary hearing to review the

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<sup>1</sup> Johnson refers to his pending appeal from the Superior Court’s denial of his third motion for postconviction relief pursuant to Superior Court Criminal Rule 61.

record, correct the record and reverse its ruling denying his motion for postconviction relief.

(3) The writ of error *coram nobis*, an ancient common law writ of error for the review of facts only, has been abolished in Delaware.<sup>2</sup> The writ has been replaced by modern rules of procedure applicable to the opening of judgments.<sup>3</sup> In Delaware, Superior Court Criminal Rule 61 is the exclusive remedy for a prisoner seeking to set aside a judgment of conviction.<sup>4</sup> Because the writ of error *coram nobis* is not one of the extraordinary writs within the original jurisdiction of this Court,<sup>5</sup> Johnson's petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED that Johnson's petition for a writ of error *coram nobis* is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>2</sup> *In re Johnson*, Del. Supr., No. 404, 2010, Berger, J. (Aug. 31, 2010).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*; Del. Const. art. IV, §11(5).