

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF PARRIS WALL § No. 405, 2001
FOR A WRIT OF CORAM NOBIS. §

Submitted: September 19, 2001

Decided: October 12, 2001

ORDER

This 12th day of October 2001, it appears to the Court that:

(1) On August 24, 2001, the Clerk issued a notice to the petitioner, Parris Wall, to show cause why this petition should not be dismissed for this Court's lack of jurisdiction to issue a writ of coram nobis.¹ By letter dated September 4, 2001, the Clerk granted Wall an extension of time until September 18, 2001, to file a response to the notice to show cause.

(2) On September 20, 2001, Wall filed a document entitled "Motion for Writ of Mandamus." By letter dated September 24, 2001, Wall clarified that he intended the "Motion for Writ of Mandamus" to serve as a new petition

¹The writ of error coram nobis is not one of the extraordinary writs within the original jurisdiction of this Court. *See* Del. Const. art. IV, § 11(6); *See also In re Nicholson*, Del. Supr., No. 4, 1994, Walsh, J., 1994 WL 35367 (Jan. 31, 1994) (ORDER) (determining that Delaware has abolished the writ of error coram nobis).

for extraordinary relief and not as a response to the notice to show cause that issued on August 24, 2001, in this case.²

(3) Wall has not filed a response to the notice to show cause that issued on August 24, 2001. Accordingly, dismissal of Wall's petition for writ of coram nobis is deemed to be unopposed.³

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the petition for writ of coram nobis is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Justice

²Wall's "Motion for Writ of Mandamus" is proceeding under Supreme Court case No. 478, 2001. The State's response to the petition is due to be filed by October 17, 2001.

³Supr. Ct. R. 3(b)(2), 29(b).