

Supreme Court

State	:	No. 2008-36-C.A.
		No. 2008-38-M.P.
		(PM 07-6114)
v.	:	
John Doe et al.	:	

ORDER

This case was argued before the Supreme Court on May 13, 2008, on an appeal, as well as a petition for writ of certiorari and cross-petition for certiorari, in connection with State v. Greenberg, No. 2008-38-M.P., a case that was consolidated with State v. Doe, No. 2008-36-C.A., for decision by the Superior Court, and Chartier v. State, No. 2008-6-M.P., and State v. Chartier, No. 2007-371-M.P., relating to a decision from the District Court also before this Court on certiorari. These cases were consolidated for decision by this Court.

Upon review of the papers in this case, including the Superior Court case file, the justiciability of this case is called into question. There is nothing before this Court that satisfies the requirement of Rule 3 of the Superior Court Rules of Civil Procedure that provides that “[a] civil action is commenced (1) by filing a complaint with the court * * *.” Although the Superior Court Civil Case Cover Sheet characterizes this case as a “miscellaneous petition,” there was no civil complaint or answer filed in the Superior Court, nor was there a request for declaratory or injunctive relief upon which the trial justice could decide the question of subject-matter jurisdiction of the Superior Court.

