

SUPREME COURT OF THE STATE OF DELAWARE

In the Matter of the Petition of Charles Duffy for a Writ of
Mandamus

No. 308, 2020 (Del. Oct. 22, 2020) · No. No. 308, 2020 · Decided October 22, 2020

SUMMARY

The Delaware Supreme Court dismissed Charles Duffy’s petition for a writ of mandamus seeking an order requiring the Department of Correction to apply statutory good-time credit. The Court held that it lacked jurisdiction to issue mandamus directly to the Department of Correction and that Duffy’s pending appeal provided an adequate remedy for claims directed to the Superior Court.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Karen L. Valihura; Chief Justice Seitz; Justice Valihura; Justice Vaughn
JURISDICTION	Delaware
DECIDED	October 22, 2020
DOCKET	No. 308, 2020
DISPOSITION	dismissed
PROCEDURAL POSTURE	Duffy petitioned the Delaware Supreme Court for an original-jurisdiction writ of mandamus seeking an order requiring the Department of Correction to apply statutory good-time credit. The State moved to dismiss, arguing that the Department had provided the requested credit, rendering the petition moot, and that Duffy had an adequate remedy through his pending appeal from the Superior Court's denial of his credit-time motions.
STANDARD OF REVIEW	The Supreme Court considered whether the petition satisfied the requirements for an extraordinary writ and whether it had original jurisdiction to issue mandamus.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; binding as to the jurisdictional and mandamus principles stated in the opinion.
PARTIES	Charles Duffy v. State of Delaware

TOPICS

appellate procedure

appellate jurisdiction

post-conviction relief

criminal procedure

remedies

PRACTICE AREAS

appellate procedure

criminal procedure

post-conviction relief

extraordinary writs

QUESTIONS PRESENTED

1. Whether the Delaware Supreme Court had original jurisdiction to issue a writ of mandamus directed to the Department of Correction.
2. Whether Duffy could obtain mandamus relief directed to the Superior Court when he had a pending appeal providing an adequate remedy.
3. Whether the mandamus petition should be dismissed in light of the Department of Correction's application of the requested good-time credit and the availability of appellate review.

HOLDINGS

1. The Delaware Supreme Court's original jurisdiction to issue a writ of mandamus is limited to circumstances in which the respondent is a court or judge; therefore, the Court lacked jurisdiction to issue mandamus directly to the Department of Correction.
2. A writ of mandamus directed to the Superior Court is unavailable when the petitioner has another adequate remedy through the appellate process; mandamus may not be used as a substitute for an appeal.

KEY QUOTATIONS

“This Court’s original jurisdiction to issue a writ of mandamus is limited to circumstances where the respondent is a court or a judge.” (¶ 5)

“A petitioner who has an adequate remedy in the appellate process may not use the extraordinary writ process as a substitute for an appeal.” (¶ 6)

FACTUAL BACKGROUND

Duffy was serving a life sentence imposed after a 1985 first-degree rape conviction and later received a six-year sentence after pleading guilty to violation of privacy in 2018. He argued that Delaware's transitional sentencing provisions required the sentences to run consecutively and that he was entitled to 204 days of statutory good-time credit while serving the later sentence. After Duffy filed his mandamus petition, the Department of Correction credited him with 204 days of statutory good time and 116 days of meritorious good time.

PROCEDURAL HISTORY

Duffy pleaded guilty to first-degree rape in 1985 and received a life sentence. After a 2018 guilty plea to violation of privacy, the Superior Court declared him a habitual offender and imposed a six-year sentence; his parole was also revoked. The Superior Court denied Duffy's motions concerning credit for time served on August 31, 2020. Duffy filed a notice of appeal and a mandamus petition on September 15, 2020. During the

State's response, the Department of Correction credited him with 204 days of statutory good time and 116 days of meritorious good time. The Supreme Court dismissed the mandamus petition.

DISPOSITION

dismissed

CASES CITED

- In re West, 2019 WL 4052483 (Del. Aug. 27, 2019)
- In re Hitchens, 600 A.2d 37, 38 (Del. 1991)
- In re Resop, 2015 WL 5168155, at *1 (Del. Sept. 1, 2015)
- In re Bordley, 545 A.2d 619, 620 (Del. 1988)
- In re Noble, 2014 WL 5823030, at *1 (Del. Nov. 6, 2014)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE IN THE MATTER OF THE § No. 308, 2020 PETITION OF CHARLES DUFFY § FOR A WRIT OF MANDAMUS § Submitted: September 28, 2020 Decided: October 22, 2020 Before SEITZ, Chief Justice; VALIHURA and VAUGHN, Justices. ORDER After consideration of the petition for a writ of mandamus and the State's answer, it appears to the Court that: (1) In 1985, the petitioner, Charles Duffy, pleaded guilty to first-degree rape.

He received a sentence of life imprisonment, the first twenty years of which were mandatory. In 2012, the Board of Parole certified Duffy for parole upon the successful completion of the Greentree program. On January 12, 2018, Duffy pleaded guilty in the Superior Court to violation of privacy.

The Superior Court declared Duffy to be a habitual offender under 11 Del. C. § 4214(a) and sentenced him to six years of imprisonment. As a result of the conviction for violation of privacy, Duffy's parole was also revoked.

(2) On March 16, 2020, Duffy filed a "Motion for Credit Time Served," and on May 21, 2020, he filed a "Motion to Compel DOC to Apply Credit Time to Current Incarceration." The Superior Court denied the motions on August 31, 2020.

On September 15, 2020, Duffy filed a notice of appeal¹ of the Superior Court's August 31, 2020 order and a petition for a writ of mandamus. (3) In the petition for a writ of mandamus, Duffy seeks to invoke the original jurisdiction of this Court, under Supreme Court Rule 43, to issue a

writ of mandamus requiring the Department of Correction to provide him with 204 days of statutory good-time credit.

Relying on the transitional provisions set forth in 11 Del. C. § 4216, he contends that his life sentence and his 2018 sentence should run consecutively, not concurrently, and that he is entitled to have good-time credit accurately calculated and applied while he is serving his 2018 sentence.² (4) The State filed an answer and motion to dismiss. It states that in preparing the response, it informed the Department of Correction (“DOC”) of Duffy’s petition and, as a result, DOC has credited Duffy with 204 days of statutory good time and 116 days of meritorious good time.

The State therefore argues that Duffy’s petition should be dismissed as moot. It also argues that the petition should be dismissed because the appeal that Duffy has filed provides him with another, adequate remedy. ¹ Duffy v. State, 307, 2020 (Del.) (filed Sept. 15, 2020). ² See 11 Del. C. § 4216(a) (“Where an inmate is serving a sentence to Level V (incarceration) imposed not under the Truth in Sentencing Act of 1989 and receives a subsequent sentence to Level V under the provisions of the Truth in Sentencing Act, serving of the earlier sentence shall be suspended and the inmate shall serve the new Level V sentence until it is completed and then resume serving the original sentence.”).

² (5) We conclude that the petition for a writ of mandamus should be dismissed. This Court’s original jurisdiction to issue a writ of mandamus is limited to circumstances where the respondent is a court or a judge.³ To the extent that Duffy asks this Court to issue a writ of mandamus to the Department of Correction, this Court lacks jurisdiction to do so.⁴ (6) To the extent that Duffy is seeking a writ of mandamus directed to the Superior Court, that remedy is available only if the petitioner can show: (i) a clear right to the performance of a duty; (ii) that no other adequate remedy is available; and (iii) that the Superior Court has arbitrarily failed or refused to perform its duty.⁵ There is no basis for the issuance of a writ of mandamus to the Superior Court in this case.

A petitioner who has an adequate remedy in the appellate process may not use the extraordinary writ process as a substitute for an appeal.⁶ Duffy’s appeal from the Superior Court’s August 31, 2020 order provides him with an adequate avenue for raising the issues that he raised in his petition for a writ of mandamus, and the issue of mootness may also be addressed in the appeal.

³ DEL. CONST. Art. IV, § 11(5); *In re West*, 2019 WL 4052483 (Del. Aug. 27, 2019) (citing *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991)). ⁴ See *supra* note 3. See also *In re Resop*, 2015 WL 5168155, at *1 (Del. Sept. 1, 2015) (recognizing this Court’s lack of jurisdiction to issue a writ of mandamus to DOC). ⁵ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988). ⁶ *In re Noble*, 2014 WL 5823030, at *1 (Del.

Nov. 6, 2014). ³ NOW, THEREFORE, IT IS ORDERED that the petition for the issuance of a writ of mandamus is DISMISSED. BY THE COURT: /s/ Karen L. Valihura Justice 4

