

IN THE SUPREME COURT OF DELAWARE

IN THE MATTER OF THE	§	
PETITION OF RONALD E.	§	No. 483, 2006
PROCTOR, JR., FOR A	§	C.A. No. 06M-06-017
WRIT OF MANDAMUS.	§	Def. ID No. 0606007316

Submitted: September 15, 2006

Decided: November 16, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices.

ORDER

This 16th day of November upon consideration of the petition for a writ of mandamus filed by Ronald E. Proctor, Jr., and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) In June 2006, Ronald Proctor, Jr. was arrested on charges of Aggravated Menacing, Terroristic Threatening, Theft, Endangering the Welfare of a Child, and Offensive Touching. As a result of the arrest, the Board of Parole issued a parole violation warrant to Proctor, who had been on conditional release.

(2) Proctor filed a petition for a writ of habeas corpus challenging the warrant issued by the Board of Parole. By order dated June 29, 2006, the Superior Court denied relief on the basis that Proctor was being legally held in default of bond.¹

¹*In re Proctor*, Del. Super., C.A. No. 06M-06-017, Graves, J. (June 29, 2006).

(3) Proctor's petition for a writ of mandamus seeks this Court's review of the Superior Court's June 29, 2006 denial of habeas corpus relief. There is no basis for mandamus relief in this case.

(4) Mandamus is used to grant relief when the traditional appeal route is unavailable or will not provide an adequate remedy at law.² Proctor had an opportunity to challenge the Superior Court's denial of habeas corpus relief in an appeal to this Court. A petition for a writ of mandamus cannot be used as a substitute for a timely-filed appeal.³

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is GRANTED. Proctor's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

²*In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

³*Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).