

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

P.O. BOX 746
COURTHOUSE
GEORGETOWN, DE 19947

August 19, 2003

Lee Ross
SCI
P.O. Box 500
Georgetown, DE 19947

RE: Ross v. Department of Correction, C.A. No. 03M-03-025
State v. Ross, Def. ID# 88S01761DI

DATE SUBMITTED: June 26, 2003

Dear Mr. Ross:

Your petition seeking a writ of mandamus regarding the issuance of good time credits on your non-Truth in Sentencing sentence is before me again since the Acting Records Supervisor at Sussex Correctional Institution has filed his affidavit in accordance with this Court's order dated June 13, 2003.

A copy of Lieutenant David W. Vinson's affidavit outlining the good time credits you are being awarded on your non-Truth in Sentencing ("non-TIS") sentence is enclosed herein. As he explains, the information that non-TIS law did not apply to the calculation of good time credits on your non-TIS sentence was incorrect. His affidavit makes clear you are being awarded credit time based upon that law. Snyder v. Andrews, 708 A.2d 237, 243 n. 29 (Del. 1998) ("Under the plan before the Act, behavior credits could be earned at a rate of 5 days per month during the first year of the inmate's term, 7 days per month during the second year, 9 days per month during the third year, and 10 days per month after the third year. 11 Del. C. § 4382 (1987). Merit credits on a before-the-Act sentence could be earned at a rate of 5 days per month. 11 Del. C. § 4384 (1987).") Since you are receiving the credit time to which you are legally entitled, you have no basis for a writ of mandamus.

In light of the foregoing, the Court dismisses your petition

seeking a writ of mandamus as legally and factually frivolous.

IT IS SO ORDERED.

Very truly yours,

Richard F. Stokes

cc: Stuart B. Drowos, DAG
Warden Rick Kearney
Lieutenant David W. Vinson, Acting Records Supervisor
Prothonotary's Office0