

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

October 17, 2005

Christopher N. Parnell
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: Christopher Parnell v. State of Delaware, C. A. No. 05M-09-004

Dear Mr. Parnell:

Pending before the Court is a petition seeking a writ of mandamus (“the petition”) and a motion to proceed in forma pauperis which petitioner Christopher N. Parnell (“petitioner”) has filed.

Although this Court grants the motion to proceed in forma pauperis, the matter does not end. The Court must review the petition to determine whether the matter should proceed. The petition seeks the issuance of a writ of mandamus instructing the Department of Correction to award him credit time while he was held in South Carolina pending extradition. This matter is connected to the case of State v. Parnell, Def. ID# 9505009521.

Petitioner was violated on probation because he acquired new charges in South Carolina. The State of Delaware sought to extradite him. A note from the Investigative Services Office indicates he posted bond on his new charges in South Carolina. Paperwork petitioner provides in the mandamus action reflects he was arrested on a fugitive warrant on February 15, 2005, and he waived extradition on February 16, 2005. He was not brought back to Delaware until July 1, 2005. Further investigation by this Court reveals that the charges in South Carolina are being or have been dropped. When this Court sentenced him on August 26, 2005, it gave him credit for 56 days, which was the time spent in Delaware from July 1, 2005.

In his mandamus action, petitioner is seeking credit time for the 4 1/2 months spent awaiting extradition. Petitioner is not entitled to the issuance of a writ of mandamus because this Court never instructed the Department of Correction to award him credit time while awaiting extradition. He also is not entitled to the issuance of a writ because the matter is now moot. By corrected order dated October 13, 2005, a copy of which is enclosed herein, this Court now has ordered the credit time to which petitioner claims entitlement be granted.

For the foregoing reasons, the petition is dismissed with prejudice.

IT IS SO ORDERED.

Very truly yours,

T. Henley Graves

cc: Prothonotary's Office
State v. Parnell, Def. ID# 9505009521