

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF DAMMEYIN § No. 573, 2007
JOHNSON FOR A WRIT OF §
MANDAMUS. § Cr. A. No. 9709009665

Submitted: November 9, 2007
Decided: November 30, 2007

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

ORDER

This 30th day of November 2007, the Court has considered the petition for a writ of mandamus filed by Dammeyin A. Johnson and the answer and motion to dismiss filed by the State of Delaware. Johnson requests that the Court issue a writ of mandamus directing that officials of the Department of Correction credit him with fifty-four days of accumulated good time.¹ The Court has no jurisdiction to issue a writ of mandamus to officials of the Department of Correction.²

¹ See Del. Code Ann. tit. 11, § 4381 (2001 & Supp. 2006) (governing earned good time).

² This Court lacks jurisdiction to issue a writ of mandamus to other than judicial officers and other courts. See Del. Const. of 1897, art. IV § 11(6) (amended 2005) (defining Court's original jurisdiction to issue extraordinary writs); *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991). The Superior Court has jurisdiction to issue a writ of mandamus to a public official and/or entity, including the Department of Correction. Del. Code Ann. tit. 10, § 564 (1999). *E.g.*, *Meades v. Hosterman*, 2006 WL 2466466 (Del. Supr.) (affirming Superior Court judgment on merit of mandamus petition). See also *Pasquale v. State*, 2007 WL 2949140 (Del. Supr.) (noting that proper procedural vehicle was mandamus petition in decision affirming denial of sentence correction motion seeking good time credit); *Ortiz v. State*, 2007 WL 1885122 (Del. Supr.) (citing *Snyder v. Andrews*, 708 A.2d 237 (Del. 1998)).

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice