

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARL J. HASKINS, JR.	§
	§
Defendant Below-	§ No. 344, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for County
	§ C.A. No. 06M-09-098
Plaintiff Below-	§
Appellee.	§

Submitted: May 23, 2008
Decided: August 28, 2008

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

ORDER

This 28th day of August 2008, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Carl Haskins, has filed this appeal from the Superior Court's denial of his petition for a writ of mandamus. Haskins sought the writ in order to compel the Department of Correction (DOC) to credit him with good time he claims to have earned on his sentence for programs he participated in from 1991-2001. We find no merit to the appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that Haskins pled guilty in 1989 to one count of second degree rape. He was sentenced to twenty-five years

imprisonment. After being conditionally released from prison in 2001, Haskins violated the terms of his release. In 2005, the Board of Parole ordered Haskins to serve the remainder of his sentence and ordered that any previously good time credits earned be forfeited. Since that time Haskins has filed various unsuccessful petitions. In the present case, Haskins sought a writ of mandamus to compel the DOC to credit him with good time he alleges he earned prior to his 2001 release but which was never applied to his sentence. Haskins argues that, because the good time was never applied to reduce his sentence prior to his conditional release in 2001, it could not have been ordered forfeited by the Board of Parole in 2005.

(3) We disagree. Assuming without deciding that Haskins earned the 620 days of good time credits that he claims and assuming further that the credits were not applied to reduce his incarceration time prior to 2001, we still no find merit to Haskins' contention that he is now entitled to have credits earned (but not applied) before 2001 credited to reduce his sentence. As this Court previously has held, once the Board of Parole in 2005 "determined that Haskins had violated those conditions [of release], it had the authority to revoke his parole, [and] revoke his good time credits..."¹ It simply is not relevant whether the good time credits had been applied prior

¹ *Haskins v. Williams*, 2007 WL 704122, *2 (Del. Mar. 8, 2007).

to 2001. The credits, to the extent any were earned but not applied prior to 2001, were ordered to be forfeited in 2005. There simply is no merit to Haskins' argument on appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice