

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD D. TAYLOR,	§	
	§	No. 131, 2011
Petitioner Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
CARL DANBERG, et al.,	§	
	§	
Respondents Below,	§	C.A. No. 10M-08-106
Appellees.	§	

Submitted: July 29, 2011
Decided: October 27, 2011

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

ORDER

This 27th day of October 2011, upon consideration of the briefs on appeal and the Superior Court record, it appears to the Court that:

(1) The appellant, Richard D. Taylor, is an inmate incarcerated at the James T. Vaughn Correctional Center. In 1971, Taylor was convicted of Rape in the First Degree and Kidnapping and was sentenced, in 1972, to two concurrent life sentences. It is undisputed that Taylor’s life sentences were imposed prior to the enactment of the 1989 Truth in Sentencing Act (“TIS”) and allow for the possibility of parole.

(2) On August 31, 2010, Taylor filed a petition for a writ of mandamus requesting that the Superior Court compel the Department of

Correction to apply accrued good time credits “toward the reduction of” his life sentences. By order dated February 18, 2011, the Superior Court denied the mandamus petition, holding that Taylor had “failed to establish a clear legal right to relief and his proper remedy is to petition the Board of Parole for relief, which is discretionary, not mandatory.”

(3) A writ of mandamus is an extraordinary remedy issued by the Superior Court to compel a board or agency to perform a duty.¹ As a condition precedent to the issuance of the writ, the petitioner must demonstrate that he has a clear right to the performance of the duty; that no other adequate remedy is available; and that the board or agency has arbitrarily failed or refused to perform its duty.²

(4) This Court has previously determined that, with respect to an inmate serving a pre-TIS life sentence with the possibility of parole, good time credits apply only to accelerate a parole eligibility date, not to shorten the length of the sentence.³ Thus, in the absence of Taylor’s clear right to the relief he seeks, *i.e.*, the “reduction of” his life sentences, this Court

¹ Del. Code Ann. tit. 10, § 564 (1999); *Clough v. State*, 686 A.2d 158, 159 (Del. 1996).

² *Id.*

³ See *Shockley v. Danberg*, 2009 WL 2882870 (Del. Supr.) (citing *Evans v. State*, 872 A.2d 539, 558 (Del. 2005)).

concludes, as did the Superior Court, that Taylor is not entitled to mandamus relief.⁴

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

⁴ The record reflects that Taylor was eligible to reapply for parole consideration in July 2011.