

(2) The record before us reflects that, in May 2000, Johnson was found guilty by a Superior Court jury of two counts each of Robbery in the First Degree and Possession of a Firearm During the Commission of a Felony, and one count of Conspiracy in the Second Degree. He was sentenced as a habitual offender to a total of eighty years at Level V incarceration. This Court affirmed Johnson's convictions on direct appeal.² Thereafter, Johnson filed his first motion for postconviction relief. This Court affirmed the Superior Court's denial of the motion.³ Johnson has filed a second motion for postconviction relief in the Superior Court, which is pending at this time.

(3) A writ of mandamus is an extraordinary remedy issued by this Court to compel a trial court to perform a duty.⁴ As a condition precedent to the issuance of the writ, the petitioner must demonstrate that a) he has a clear right to the performance of the duty; b) no other adequate remedy is available; and c) the trial court has arbitrarily failed or refused to perform its duty.⁵ This Court will not issue a writ of mandamus to compel a trial court

² *Johnson v. State*, Del. Supr., No. 578, 2000, Steele, J. (June 18, 2002).

³ *Johnson v. State*, Del. Supr., No. 517, 2007, Berger, J. (Apr. 21, 2008).

⁴ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

⁵ *Id.*

to perform a particular judicial function, to decide a matter in a particular way or to dictate control of its docket.⁶

(4) There is no basis for the issuance of a writ of mandamus in this case. Johnson has failed to demonstrate a clear right to the performance of a duty that the Superior Court has arbitrarily failed or refused to perform. Moreover, Johnson has improperly asked this Court to dictate to the Superior Court how it should decide a particular matter. Finally, Johnson has failed to demonstrate that no other adequate remedy is available to him, since his second motion for postconviction relief is now pending in the Superior Court.

NOW, THEREFORE, IT IS ORDERED that Johnson's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

⁶ *In re Brookins*, 736 A.2d 204, 206 (Del. 1999).