

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CORRIE HICKSON JOYNER,	§
	§ No. 276, 2011
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
FAMILY COURT,	§ C.A. No. N10M-11-100
	§
Respondent Below-	§
Appellee.	§

Submitted: July 15, 2011
Decided: August 15, 2011

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

ORDER

This 15th day of August 2011, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The petitioner-appellant, Corrie Hickson Joyner, filed an appeal from the Superior Court’s May 18, 2011 order dismissing his petition for a writ of mandamus. The respondent-appellee, the Family Court, has filed a motion to affirm the judgment of the Superior Court on the ground that it is manifest on the face of the opening brief that the appeal is without merit.¹ We agree and affirm.

¹ Supr. Ct. R. 25(a).

(2) The record before us reflects that Joyner is an inmate serving Level V time at the James T. Vaughn Correctional Center in Smyrna, Delaware. In October 2010, he filed a petition for a writ of mandamus requesting the Superior Court to require the Family Court to provide him with copies of psychiatric and psychological evaluations relevant to his pending Rule 61 postconviction motion in Superior Court.

(3) In this appeal from the Superior Court's dismissal of his petition for a writ of mandamus, Joyner claims that the Superior Court abused its discretion when it dismissed his petition.

(4) A writ of mandamus is an extraordinary remedy issued by a court to compel a lower court to perform a duty.² 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 court has arbitrarily failed or refused to perform its duty.³

(5) In the absence of any evidence that the Family Court arbitrarily failed or refused to perform a duty owed to Joyner, we conclude that the Superior Court properly dismissed Joyner's petition for a writ of mandamus.

(6) It is manifest on the face of the opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled

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

³ *Id.*

Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that the Family Court's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice