

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE
PETITION OF KEAVNEY L.
WATSON FOR A WRIT OF
MANDAMUS.

No. 16, 2001

Submitted: January 29, 2001
Decided: February 14, 2001

Before **WALSH, HOLLAND and BERGER**, Justices.

ORDER

This 14th day of February 2001, upon consideration of the *pro se* petition for a writ of mandamus filed by Keavney L. Watson and the answer and motion to dismiss filed by the State of Delaware,¹ it appears to the Court that:

(1) In 1999, Watson pleaded guilty in the Superior Court to possession of heroin with intent to distribute, driving under the influence, and driving during a period of license revocation. Watson was sentenced to a total of four years of imprisonment, suspended after six months, for three and one-half years of probation.² In February 2000, Watson was adjudged

¹ The Court has not considered Watson's unsolicited "brief" that was filed on February 6, 2001, in response to the State's answer and motion to dismiss. *See* Supr. Ct. R. 43(b)(ii) (providing that "unless the Court otherwise directs, no further submissions of the parties shall be accepted").

² *State v. Watson*, Del. Super., Cr.A.No. IN98-10-1376, Carpenter, J. (Feb. 8, 1999).

guilty of violation of probation. The Superior Court revoked Watson's probation and sentenced him to one year of imprisonment.

(2) In November 1999, Watson pleaded guilty in the Superior Court of unauthorized use of a vehicle. Watson was sentenced to one year imprisonment, suspended for probation.³

(3) In June 2000, Watson was convicted in the Superior Court of possession of a non-narcotic controlled substance and possession of drug paraphernalia. Watson was sentenced, in August 2000, to a total of three years imprisonment, suspended upon completion of a prison drug treatment program, for the balance of the term in residential drug treatment and on probation.⁴ Watson's direct appeal is pending in this Court, where he is represented by counsel.⁵

(4) In his petition for a writ of mandamus in this Court, Watson claims that he is being illegally detained at Level V imprisonment "by the sentence that was imposed . . . on August 11, 2000." Watson complains that the Superior Court has failed to take action on his *pro se* petition for a writ of mandamus and other "written affidavits and letters" that were submitted by Watson to the Superior Court.

³ *State v. Watson*, Del. Super, Cr.A.No. S99-06-0537I, Stokes, J. (Nov. 2, 1999).

⁴ *State v. Watson*, Del. Super., Cr.A.No. PS99-10-0260, Stokes, J. (Aug. 11, 2000).

⁵ *Watson v. State*, Del. Supr., No. 422, 2000.

(5) It appears from the Superior Court docket that, since his sentencing on August 11, 2000, Watson has filed numerous *pro se* petitions for a writ of habeas, all of which have been denied.⁶ Watson has also filed a *pro se* petition for a writ of mandamus, which is pending Watson's submission of the filing fee or a motion to proceed in forma pauperis.⁷

(6) This Court may issue a writ of mandamus to compel a trial court to perform a duty, but only when the complainant has a clear right to the performance of the duty, no other adequate remedy is available, and the trial court has failed or refused to perform its duty.⁸ Furthermore, this Court will not allow a complainant, who clearly has an adequate remedy in the appeal process, to invoke the extraordinary writ process as a substitute for appellate review.⁹

(7) Watson has not demonstrated that the Superior Court has arbitrarily failed or refused to perform a duty owed to him. Furthermore, in view of Watson's pending appeal, Watson has not demonstrated that he is without an adequate remedy for review of the disputed August 11 sentence.

⁶ *Watson v. State*, Del. Super., C.A. No. 00M-11-014, Stokes, J. (Nov. 28, 2000); *Watson v. State*, Del. Super., C.A.No. 00M-09-015, Stokes, J. (Oct. 4, 2000); *Watson v. State*, Del. Super., C.A.No. 00M-08-004, Stokes, J. (Aug. 31, 2000).

⁷ *Watson v. Kearney*, Del. Super., C.A. No. 00M-12-022.

⁸ *In re Bordley*, Del. Supr., 545 A.2d 619, 620 (1988).

⁹ *Matushefske v. Herlihy*, Del. Supr., 214 A.2d 883, 885 (1965).

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

BY THE COURT:

/s/ Randy J. Holland
Justice