

(2) The record reflects that Bruton was convicted in 1981 for delivery of heroin and was sentenced to 25 years in prison. He was paroled in 1992. In 2000, Bruton was found in violation of the terms of his parole, and he was re-incarcerated to serve the balance of his sentence. He applied for parole in 2002. After a hearing, the Board of Parole (the Board) denied Bruton's application for the following reasons: Bruton's inability to accept responsibility for his offense; his substance abuse history; parole was not recommended by the institution; and his disruptive institutional behavior. The letter recommended that Bruton have mental health and violent offender counseling and informed him that he could re-apply for parole in 2004.

(3) In his opening brief on appeal, Bruton raises several arguments challenging the Board's denial of his application. First, Bruton argues that his parole application was not heard by a quorum of the Board. Second, Bruton asserts that the Board denied his application based on erroneous information. Third, Bruton asserts that the Board's decision was in retaliation for a civil rights lawsuit Bruton filed against State officials. Fourth, Bruton asserts he is being unfairly denied access to Plummer Center. Finally, Bruton argues that the Board's decision was the result of racial discrimination.

(4) On appeal, we review the Superior Court's denial of mandamus relief for abuse of discretion.¹ A writ of mandamus is appropriate only if the petitioner establishes a clear legal right to the performance of a non-discretionary duty.² This Court has held that mandamus will not lie to review Board of Parole proceedings due to the discretionary nature of the Board's actions.³ Accordingly, the Superior Court did not abuse its discretion in dismissing Bruton's petition.

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

BY THE COURT:

/s/ Myron T. Steele
Justice

¹ See, *Ingersoll v. Rollins Broad. of Del., Inc.*, 272 A.2d 336, 338 (Del. 1970).

² *Darby v. New Castle Gunning Bedford Educ. Ass'n*, 336 A.2d 209, 210 (Del. 1975).

³ *Semick v. Department of Correction*, 477 A.2d 707, 708 (Del. 1984).