

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE           §     No. 454, 2002  
PETITION OF JOSEPH WALKER   §     Cr. ID No. 9806001490  
FOR A WRIT OF MANDAMUS.     §                     9810002187

Submitted: September 30, 2002

Decided: October 7, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices.

**ORDER**

This 7<sup>th</sup> day of October 2002, it appears to the Court that:

(1) In separate trials held in 2000, Superior Court juries convicted Joseph Walker of Attempted Rape in the Second Degree and three weapons offenses.<sup>1</sup> On appeal, the convictions were affirmed.<sup>2</sup>

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<sup>1</sup>*State v. Walker*, Del. Super. Ct., Cr. ID No.9806001490; *State v. Walker*, Del. Super. Ct., Cr. ID No. 9810002187.

<sup>2</sup>*See Walker v. State*, 790 A.2d 1214 (Del. 2002); *Walker v. State*, 2002 WL 122643 (Del. Supr.).

(2) Walker has applied to this Court for a writ of mandamus to be directed to the Superior Court for the Superior Court's alleged failure or refusal to docket and rule upon Walker's letters regarding his trial transcripts.<sup>3</sup> By Order dated August 30, 2002, the Court remanded this matter to the Superior Court to determine (i) whether or not the Prothonotary received one or both of Walker's letters regarding his trial transcript, and (ii) the status of those letter requests, if they were received.

(3) By Order dated September 30, 2002, the Superior Court returned this matter from remand. In that Order, the Superior Court concluded that neither of Walker's letters was received by the Superior Court.

(4) This Court will issue a writ of mandamus to a trial court only when the petitioner can show that the trial court has arbitrarily failed or refused to perform a duty.<sup>4</sup> Walker has not demonstrated that the Superior Court has arbitrarily failed or refused to perform a duty.

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<sup>3</sup>Walker provided this Court with copies of two letters that he addressed to the Kent County Prothonotary. One letter is dated May 4, 2002. The second letter is dated June 17, 2002. In both letters, Walker requests the Superior Court's assistance in obtaining the trial transcripts from his former counsel. Neither letter is listed on the Superior Court docket in either of Walker's cases.

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

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

BY THE COURT:

s/ Joseph T. Walsh  
Justice