IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN J. SMITH,	§
	§
Plaintiff Below,	§ § § §
Appellant,	§
	§
v.	§ No. 537, 1999
	§
DEPARTMENT OF PUBLIC	§ Court Below: Superior Court
SAFETY OF THE STATE OF	§ of the State of Delaware in and
DELAWARE, BRIAN J.	§ for Sussex County
BUSHWELLER, Secretary,	§ C.A. No. 99M-04-007
Department of Public Safety,	§
THE DIVISION OF STATE	§
POLICE OF THE STATE OF	§
DELAWARE, COLONEL ALAN	§ § § §
N. ELLINGSWORTH,	§
Superintendent of the Delaware	_
State Police, GERALD R. PEPPER,	-
Deputy Superintendent of the	§
Delaware State Police, MICHAEL	§ §
NEAL, Captain, Delaware State	
Police, Troop 7,	§ §
	§
Defendants Below,	§
Appellees.	§

Submitted: November 28, 2000 Decided: November 30, 2000

Before VEASEY, Chief Justice, WALSH, and BERGER, Justices.

ORDER

This 30th day of November 2000, upon consideration of the briefs of the parties and oral argument, the Court concludes that the Superior Court did not abuse

its discretion in declining to issue a writ of mandamus in this matter. Accordingly, we affirm.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh Justice