

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE
PETITION OF NYLES JARMON
FOR A WRIT OF MANDAMUS

·
·
· No. 438, 2000
·
·

Submitted: September 22, 2000
Decided: October 10, 2000

Before HOLLAND, BERGER and STEELE, Justices

O R D E R

This 10th day of October 2000, upon consideration of the petition of Nyles Jarmon for a writ of mandamus and the State of Delaware's answer and motion to dismiss,¹ it appears to the Court that:

(1) In November 1998, a grand jury charged Jarmon with various drug and weapon offenses. The basis for the charges was Jarmon's sale of crack cocaine to two undercover police officers on the same day. A Superior Court jury subsequently convicted Jarmon of one count of delivery of cocaine. Jarmon was acquitted of another count of delivery of cocaine as well as a conspiracy charge. The State dismissed the remaining charges. Jarmon's conviction and sentence were affirmed by this Court.²

¹Pursuant to Jarmon's request filed on October 3, 2000, this Court has also considered the Superior Court's letter to Jarmon dated September 18, 2000 in reaching its decision in this matter.

²*Jarmon v. State*, Del. Supr., No. 420, 1997, Berger, J., 1998 WL 609679

(2) Jarmon has filed a petition for a writ of mandamus requesting this Court to issue an order directing the Superior Court to clarify which of the two drug buys testified about at trial led to his conviction. According to Jarmon, he needs this information to prepare a motion for postconviction relief.

(3) Jarmon previously filed a petition for a writ of mandamus requesting this Court to direct the Superior Court to clarify which of his two drug buys served as the basis for his conviction. Because Jarmon had not given the Superior Court an opportunity to address the matter, he was unable to show that the Superior Court had failed or refused to act, and his petition was, therefore, dismissed.³

(Sept. 8, 1998) (ORDER).

³*In re Jarmon*, Del. Supr., No. 282, 2000, Veasey, C.J., 2000 WL 1152413 (Aug. 8, 2000) (ORDER).

(4) This Court will issue a writ of mandamus to a trial court only when the petitioner can show that there is a clear legal right to the performance of a duty at the time of the petition, no other adequate remedy is available, and that the trial court has failed or refused to perform the duty.⁴

A[T]his Court will not issue a writ of mandamus to compel a trial court to perform a particular judicial function, to decide a matter in a particular way, or to dictate control of its docket.⁵

(5) Jarmon's mandamus petition manifestly fails to invoke this Court's original jurisdiction. Jarmon has not demonstrated that he is entitled to the relief he seeks. Furthermore, Jarmon has not demonstrated that he is without an adequate remedy.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

⁴*In re Bordley*, Del. Supr., 545 A.2d 619, 620 (1988).

⁵*Id.*