

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF VINCENT               § No. 414, 2004  
GRAHAM FOR A WRIT OF           §  
MANDAMUS                           §

Submitted: October 15, 2004  
Decided: December 8, 2004

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

**ORDER**

This 8<sup>th</sup> day of December 2004, upon consideration of Vincent Graham's petition for a writ of mandamus and the State's response thereto, it appears to the Court that:

(1) Vincent Graham has filed a petition requesting this Court to issue an extraordinary writ of mandamus to dismiss "the possibility to reimprison petitioner for the false allegations that this probation officer submitted in her claim." Although it is not entirely clear, it appears that Graham is asking this Court to dismiss a violation of probation detainer that has been lodged against him.

(2) The State has filed a motion to dismiss Graham's petition for a writ of mandamus. The State points out that Graham filed a motion in Superior Court in April 2003 seeking to vacate the VOP warrant. That motion was

denied in August 2003. There currently is nothing pending in the Superior Court for action.

(3) A writ of mandamus is an extraordinary remedy that will issue only if there is no other available remedy and the petitioner can establish that the trial court has arbitrarily refused to perform a duty to which the petitioner has a clear legal right.\* Graham's petition satisfies none of these requirements. There is no evidence on this record that the Superior Court has arbitrarily refused to perform any duty to which Graham has a clear legal right. Nor has Graham established that he has no other remedy available to him.

NOW, THEREFORE, IT IS ORDERED that Graham's petition for the issuance of an extraordinary writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

---

\* *In re Hyson*, 649 A.2d 807 (Del. 1994).