

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§	
PETITION OF GEORGE R.	§	No. 194, 2005
GOODLETT, JR., FOR A	§	
WRIT OF MANDAMUS.	§	Def. ID Nos. 0408002660
	§	0408009977
	§	0409003817

Submitted: May 31, 2005

Decided: July 19, 2005

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 19th day of July 2005, upon consideration of the petition for a writ of mandamus filed by George R. Goodlett, Jr., and the answer and motion to dismiss filed by the State of Delaware,¹ it appears to the Court that:

(1) On January 12, 2005, George R. Goodlett, Jr. pleaded guilty in the Superior Court to one count each of Burglary in the Third Degree, Assault in the Third Degree, Criminal Mischief and Non-Compliance with Conditions of Bond. The Superior Court ordered a presentence investigation.²

¹The Court has not considered Goodlett's unsolicited response to the State's answer and motion to dismiss. *See* Supr. Ct. R. 43(b)(ii) (prohibiting further submissions unless directed by the Court).

²*State v. Goodlett*, Del. Super., Cr. ID Nos. 0409003817, 0408009977, 0408002660, Stokes, J. (Jan. 12, 2005).

(2) In March 2005, Goodlett filed a pro se motion to withdraw his guilty plea. The Superior Court referred the motion to Goodlett's defense counsel and, by letter dated May 2, 2005, informed counsel and Goodlett that the Court would hear the motion to withdraw guilty plea at sentencing on May 17, 2005.³

(3) Goodlett has applied for a writ of mandamus to compel the Superior Court to conduct an evidentiary hearing on his motion to withdraw guilty plea. Goodlett also seeks to compel the Public Defender, Attorney General, and the police to provide him with information about his case.

(4) The original jurisdiction of this Court to issue a writ of mandamus "is limited to instances when the respondent is a court or a judge thereof."⁴ The Court is without jurisdiction to issue a writ of mandamus directed to the Public Defender, Attorney General, and the police.

(5) The Court will issue a writ of mandamus only when the petitioner can show that there is the clear right to the performance of a duty at the time of the petition, no other adequate remedy is available, and the trial court has

³It appears from the Superior Court docket that Goodlett's sentencing was originally scheduled on April 28, 2005, was continued to May 17, 2005, and was continued again to June 30, 2005.

⁴*In re Hitchens*, 600 A.2d 37, 38 (Del. 1991).

arbitrarily failed or refused to perform its duty.⁵ “[I]n the absence of a clear showing of an arbitrary refusal or failure to act, this 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 the control of its docket.”⁶

(6) Goodlett has not demonstrated that the Superior Court has arbitrarily failed or refused to act on his motion to withdraw guilty plea. To the contrary, the docket reflects that the Superior Court heard the motion to withdraw guilty plea at a proceeding on June 30, 2005 and reserved decision on the motion.⁷ The Superior Court’s decision will issue in due course.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

⁵*In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

⁶*Id.*

⁷It appears from the Superior Court docket that Goodlett’s sentencing was continued pending the outcome of the motion.