

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§	
PETITION OF WILLIAM	§	No. 475, 2005
JOSEPH WEBB FOR A WRIT	§	
OF MANDAMUS.	§	Super. Ct., C.A. No. 05M-09-103

Submitted: October 24, 2005

Decided: December 27, 2005

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

ORDER

This 27th day of December 2005, upon consideration of the petition for a writ of mandamus filed by William Joseph Webb and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that;

(1) Webb's petition for a writ of mandamus seeks an order of this Court compelling the Superior Court in Kent County to act on his petition for a writ of habeas corpus.¹ Webb also contends that he is entitled to payment of a \$1,000 penalty for the Superior Court's failure to act on his habeas corpus petition within three days.²

¹It appears that Webb's Kent County Superior Court habeas corpus petition concerned two New Castle County Superior Court criminal cases and raised issues that this Court recently addressed when deciding Webb's appeal from the denial of postconviction relief. *See Webb v. State*, 2005 WL 3200440 (Del. Supr.) (reversing and remanding for further proceedings).

²*See* Del. Code Ann. tit. 10, §§ 6906-6907 (1999 & Supp. 2004) (governing award and service of writ of habeas corpus).

(2) Webb has not demonstrated that he is entitled to mandamus relief.³

In an order dated September 30, 2005 and docketed on October 3, 2005, the Superior Court denied Webb's habeas corpus petition.⁴ Webb has filed an appeal from that decision.⁵

NOW, THEREFORE, IT IS ORDERED that Webb's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

³See *In re Bordley*, 545 A.2d 619, 620 (Del. 1988) (providing that the Court will issue a writ of mandamus only when the petitioner can show "a clear right to the performance of a duty by a trial court, that no other adequate remedy is available, and that the trial court has failed or refused to perform its duty").

⁴*Webb v. Carroll*, Del. Super., C.A. No. 05M-09-103, Cooch, J. (Oct. 3, 2005).

⁵See Docket at No. 8, *Webb v. Carroll*, Del. Supr., No. 543, 2005 (establishing brief schedule).