

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE THE PETITION OF §  
KEAVNEY L. WATSON FOR A § No. 505, 2005  
WRIT OF MANDAMUS §  
§

Submitted: November 4, 2005  
Decided: December 29, 2005

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

**ORDER**

This 29<sup>th</sup> day of December 2005, it appears to the Court that:

(1) The petitioner, Keavney L. Watson, seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of mandamus<sup>1</sup> to compel the Superior Court to provide him with documents that he alleges will support his motion to withdraw his guilty plea. The State of Delaware has filed an answer requesting that Watson's petition be dismissed. We find that Watson's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) In 1999, Watson pleaded guilty to possession of heroin with intent to deliver, driving under the influence, and driving with a revoked license. In September 2005, Watson filed a motion to withdraw his guilty plea. The Superior Court denied the motion.

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<sup>1</sup> Del. Const. art. IV, § 11(6); Supr. Ct. R. 43.

(3) A writ of mandamus is an extraordinary remedy issued by this Court to compel a trial court to perform a duty.<sup>2</sup> As a condition precedent to the issuance of the writ, Watson must demonstrate that he has a clear right to the performance of the duty, no other adequate remedy is available, and the trial court has arbitrarily failed or refused to perform its duty.<sup>3</sup>

(4) There is no basis for a writ of mandamus in this case. Watson has failed to demonstrate that the Superior Court has failed to perform a duty that is owed to him. Moreover, Watson could have filed an appeal of the Superior Court's order denying his motion to withdraw his guilty plea, but did not do so. Watson may not use mandamus as a substitute for appellate review.<sup>4</sup>

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>2</sup> *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

<sup>3</sup> *Id.*

<sup>4</sup> *Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).