

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT R. MEADES,	§
	§ No. 239, 2006
Petitioner Below-	§
Appellant,	§
	§
v.	§
	§ Court Below—Superior Court
RON HOSTERMAN, JOE HUDSON,	§ of the State of Delaware,
DAVE VINSON, RAPHAEL	§ in and for New Castle County
WILLIAMS, and PAUL HOWARD,	§ C.A. No. 05M-07-011
	§
Respondents Below-	§
Appellees.	§

Submitted: July 7, 2006
Decided: August 23, 2006

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

ORDER

This 23rd day of August 2006, upon consideration of the appellant’s opening brief, the State’s motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Robert Meades, filed this appeal from the Superior Court’s denial of his petition for a writ of mandamus. The State of Delaware has filed a motion to affirm the Superior Court’s judgment on the ground that it is manifest on the face of Meades’ opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Meades filed a petition for a writ of mandamus seeking to have the Department of Correction credit him with 720 additional days of meritorious good time. Meades claimed he was entitled to have the additional good time credited toward his 42-year sentence, at a rate of 5 days per month, based on his meritorious participation in prison work and other rehabilitation programs.

(3) The State filed a motion for summary judgment on the ground that Meades had not earned the additional 720 days of good time credits, therefore, he could not establish, as a matter of law, his right to mandamus relief. After a hearing on the State's motion for summary judgment, the Superior Court found that Meades had not established his right to be credited with the additional good time. The trial court, therefore, dismissed Meades' petition for a writ of mandamus without prejudice to his right to re-file if Meades could provide documentation to substantiate his claim that he had earned the good time. This appeal followed.

(4) After careful consideration, we find it manifest that the judgment of the Superior Court must be affirmed. A writ of mandamus is a command that may only be issued to a public agency to compel the performance of a duty to which the petitioner has established a clear legal

right.¹ The burden was on Meades to prove that he had earned the good time which he claimed should have been credited against his sentence. We find no error in the Superior Court's conclusion that Meades had failed to establish a clear legal right to the relief he sought.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice

¹ *Clough v. State*, 686 A.2d 158, 159 (Del. 1996).