

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIE LAND,	§
	§
Petitioner Below-	§ No. 465, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
THOMAS CARROLL, <i>et al.</i> ,	§ C.A. No. 02M-03-015
	§
Respondents Below-	§
Appellees.	§

Submitted: October 2, 2002  
Decided: November 14, 2002

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

**ORDER**

This 14<sup>th</sup> day of November 2002, upon consideration of the appellant's opening brief and motion to affirm filed by the State of Delaware, as the real party in interest, it appears to the Court that:

(1) The defendant-appellant, Willie Land, filed this appeal from the Superior Court's denial of his petition for a writ of mandamus. Land is incarcerated. He sought a writ of mandamus requiring prison officials to recalculate his release date applying good time credits that Land contends were erroneously revoked by the Board of Parole. The State of Delaware has filed a motion to affirm on behalf of the appellees. The States asserts that it

is manifest on the face of Land's opening brief that his appeal is without merit. We agree and affirm.

(2) In his opening brief on appeal, Land essentially argues that the delay in the Board of Parole's revocation hearing violated Land's due process rights and that there was insufficient evidence to support the Board's finding of a parole violation. Land appears to argue that, because of these deficiencies in the revocation proceedings, there was no basis for the Department of Correction to forfeit his previously earned good time credits. Consequently, Land requests that correctional officials be compelled to give him back the good time credits that were forfeited.

(3) The Superior Court may issue a writ of mandamus to a State officer, tribunal, board, or agency to compel the performance of an official duty.<sup>1</sup> A writ of mandamus is designed to compel the performance of an official duty if it is shown that: the complainant has a clear right to the performance of the duty; that no other adequate remedy is available; and that the officer, tribunal, board, or agency arbitrarily has failed or refused to perform its duty.<sup>2</sup>

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<sup>1</sup>See DEL. CODE ANN. tit. 10, § 564; DEL. CODE ANN. tit. 29, § 10143.

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

(4) In this case, Land cannot establish a clear legal right to the requested relief. Upon a finding of a parole violation, previously earned good time may be forfeited.<sup>3</sup> Thus, Land is unable to show that he is entitled to have his revoked credits restored to him. Consequently, it is manifest on the face of Land's opening brief that the appeal is without merit. The issuance of a writ of mandamus is within the Superior Court's discretion, and clearly there was no abuse of judicial discretion in this case.<sup>4</sup>

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

BY THE COURT:

/s/ Myron T. Steele  
Justice

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<sup>3</sup> See DEL. CODE ANN. tit. 11, § 4382.

<sup>4</sup> *Ingersoll v. Rollins Broad. of Del., Inc.*, 272 A.2d 336 (Del. 1970).