

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDWIN C. ANDREWS, JR.,	§
	§ No. 664, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. No. IN82-07-0433
	§
Plaintiff Below-	§
Appellee.	§

Submitted: April 23, 2007

Decided: June 5, 2007

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

**ORDER**

This 5<sup>th</sup> day of June 2007, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Edwin C. Andrews, Jr., filed an appeal from the Superior Court's December 5, 2006 order denying his request to have the Department of Correction credit him with additional good time. We find no merit to the appeal. Accordingly, we affirm.

(2) In September and November of 1982, Andrews was found guilty of various felonies. He was sentenced to a total of 20 years and 7 months at Level V. After being released on parole, Andrews committed new offenses in October 2000, and the Board of Parole revoked his conditional

release. In October 2006, Andrews challenged the Department of Correction's calculation of his sentence, alleging that he was entitled to credit for an additional 20 days of good time. The Superior Court denied his application, stating that the Superior Court does not have the authority to apply good time credits.

(3) In this appeal, Andrews claims that the Superior Court's denial of his application was an abuse of its discretion because he is entitled to credit for an additional 20 days of good time.

(4) A writ of mandamus is designed to compel a trial court to perform a duty where: the petitioner 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.\* A writ of mandamus is the proper procedural vehicle for the relief sought by Andrews. Because Andrews did not petition the Superior Court for a writ of mandamus, we find no abuse of discretion on the part of the Superior Court in denying his request for relief.

---

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

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice