

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION §
OF GARY LASKOWSKI FOR A WRIT § No. 31, 2014
OF MANDAMUS §

Submitted: February 12, 2014
Decided: February 20, 2014

Before **HOLLAND, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 20th day of February 2014, upon consideration of the petition of Gary Laskowski for an extraordinary writ of mandamus and the State's response thereto, it appears to the Court that:

(1) The petitioner, Gary Laskowski, seeks to invoke the original jurisdiction of this Court to issue a writ of mandamus to compel the Superior Court to restructure his sentence. The State of Delaware has filed a response and motion to dismiss. After review, we find that Laskowski's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be **DISMISSED**.

(2) Laskowski pleaded guilty in November 2012 to Robbery in the First Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and Carrying a Concealed Deadly Weapon. In May 2013, Laskowski filed a motion for correction of sentence, which the

Superior Court denied. This Court affirmed that decision on appeal.¹ Laskowski now seeks a writ of mandamus, raising the same argument that was rejected in the Superior Court's denial of his motion for correction of sentence and the appeal therefrom.

(3) This Court has authority to issue a writ of mandamus only when the petitioner can demonstrate a clear right to the performance of a duty, no other adequate remedy is available, and the trial court arbitrarily failed or refused to perform its duty.² Under the circumstances, Laskowski cannot establish any right to the relief that he seeks.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ *Laskowski v. State*, 2013 WL 5288834 (Del. Sept. 16, 2013).

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