

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF AARON O. LOWMAN § No. 469, 2015
FOR A WRIT OF MANDAMUS §

Submitted: August 28, 2015
Decided: September 1, 2015

Before **STRINE**, Chief Justice; **HOLLAND**, and **SEITZ**, Justices.

ORDER

This 1st day of September 2015, upon consideration of the petition of Aaron Lowman for a writ of mandamus, it appears to the Court that:

(1) The petitioner, Aaron Lowman, seeks to invoke the original jurisdiction of this Court to issue an extraordinary writ of mandamus under Supreme Court Rule 43. Lowman requests that his appointed counsel be directed to withdraw from representing Lowman on appeal and that Lowman be permitted to represent himself.

(2) On August 28, 2015, the same day that Lowman filed his petition for a writ, this Court issued its decision affirming Lowman's convictions on direct appeal.¹ Thus, Lowman's request to represent himself on appeal comes far too late and is moot.

(3) Moreover, a writ of mandamus is designed to compel a lower court to perform a duty if it is shown that: (i) the complainant has a clear

¹ *Lowman v. State*, No. 23, 2015 (Del. Aug. 28, 2015)

right to the performance of the duty; (ii) no other adequate remedy is available; and (iii) the trial court has arbitrarily failed or refused to perform its duty.² Lowman's appointed counsel is not a judge. Thus, this Court has no jurisdiction to issue a writ directed to him.³ Also, to the extent Lowman claims that his counsel did not represent him effectively, he has an adequate remedy available to him in the postconviction process under Superior Court Criminal Rule 61.⁴

NOW, THEREFORE, IT IS ORDERED that the petition for an extraordinary writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice

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

³ *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991).

⁴ *In re Morris*, 2009 WL 3143615, *1 (Del. Sept. 30, 2009).