

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF ANTONIO § No. 182,2021
HUGHES FOR A WRIT OF §
MANDAMUS §

Submitted: June 25, 2021

Decided: July 23, 2021

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**,
Justices.

ORDER

After consideration of the petition for a writ of mandamus and the State's
answer and motion to dismiss, it appears to the Court that:

(1) On June 7, 2021, the petitioner, Antonio Hughes, filed a petition for a
writ of mandamus directing the Superior Court to review and grant his request for
permission to participate with counsel in his defense under Superior Court Criminal
Rule 47. In its answer and motion to dismiss, the State indicated that the filings
referenced in Hughes's petition did not appear on the Superior Court docket and that
the State had notified the Superior Court of Hughes's request. On July 1, 2021, the
Superior Court denied Hughes's request to participate with counsel in his defense.

(2) A writ of mandamus will only issue if the petitioner can show: (i) a
clear right to the performance of a duty; (ii) that no other adequate remedy is

available; and (iii) that the trial court has arbitrarily failed or refused to perform its duty.¹

(3) There is no basis for the issuance of a writ of mandamus in this case. The Superior Court considered, and denied Hughes's request to participate with counsel in his defense. Hughes's petition for a writ of mandamus directing the Superior Court to review his request is therefore moot. As to Hughes's request that this Court direct the Superior Court to grant his request, this Court will not issue a writ of mandamus to compel a trial court "to decide a matter in a particular way."²

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

¹ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

² *Id.*