

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE § No. 352, 2024
PETITION OF WILBUR MEDLEY §
FOR A WRIT OF MANDAMUS §

Submitted: September 24, 2024

Decided: November 18, 2024

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

(1) The petitioner, Wilbur Medley, seeks to invoke the original jurisdiction of this Court, under Supreme Court Rule 43, to issue a writ of mandamus to the Superior Court. The State of Delaware has filed an answer and motion to dismiss the petition. After careful review, we conclude that the petition is without merit and must be dismissed.

(2) Medley's petition seeks relief relating to the sentence imposed in Criminal ID Nos. N1901013794 and N1906005528. Medley resolved multiple charges in those cases by pleading guilty to second-degree burglary, attempted second-degree burglary, third-degree burglary, selling stolen property, and falsifying business records. The Superior Court sentenced him on February 17, 2023. For second-degree burglary, he was sentenced to eight years of imprisonment with credit for 520 days previously served, suspended after four years for decreasing levels of

supervision. The Level V time imposed for the other offenses was suspended for probation.¹

(3) Medley filed a direct appeal in March 2023 and voluntarily dismissed it in May 2023. In the petition for a writ of mandamus presently before the Court, Medley asserts that the Department of Correction (“DOC”) thereafter changed his release date from November 5, 2024, to August 19, 2025, informing him that the start date for his sentence had been changed from February 17, 2023, to December 8, 2023. Medley asserts that he has filed two motions for correction of an illegal sentence in the Superior Court; sent multiple letters to the court; and filed a petition for a writ of mandamus asking the Superior Court “to order DOC to change [Medley’s] sentence back.” He asks this Court to order the Superior Court to restore his release date to November 5, 2024. He also seeks an investigation of the Superior Court New Castle County prothonotary’s office, contending that he has received information suggesting that some of his filings, such as the writ of mandamus that he filed in Superior Court, were not docketed.

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

¹ On March 21, 2023, the Superior Court entered an amended sentence order. The amended order appears only to have corrected an error in the length of the Level IV component of Medley’s second-degree burglary sentence; the amended order reduced the Level IV component from five years to four years. In both orders, the Level IV time was then suspended after twelve months for eighteen months of Level III with GPS monitoring. The sentences for all the offenses otherwise remained the same.

available; and (iii) that the Superior Court has arbitrarily failed or refused to perform its duty.² “[I]n the absence of a clear showing of an arbitrary refusal or failure to act, this Court will not issue a writ of mandamus to compel a trial court to perform a particular judicial function, to decide a matter in a particular way, or to dictate the control of its docket.”³

(5) There is no basis for the issuance of a writ of mandamus in this case. The Superior Court’s February 17, 2023 sentence order and March 21, 2023 amended sentence order both provide for an effective date of February 17, 2023. Moreover, the Superior Court imposed nonsuspended Level V time as to only one of the offenses for which Medley was sentenced in those orders. Thus, Medley has not established that he is being detained as a result of any error inherent in the Superior Court’s sentence order in Criminal ID Nos. N1901013794 and N1906005528. Rather, Medley’s claim is that DOC is calculating Medley’s release date incorrectly or inconsistently with that order. As to that claim, Medley’s recourse lies in the Superior Court. This Court lacks original jurisdiction to issue a writ of mandamus to the Department of Correction.⁴

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

³ *Id.*

⁴ See *In re Resop*, 2015 WL 5168155, at *1 & n.3 (Del. Sept. 1, 2015) (stating that the Supreme Court “has no original jurisdiction to issue a writ of mandamus to the DOC” and that “[t]he Superior Court is the court with jurisdiction to issue a writ of mandamus to administrative boards and agencies to compel the performance of their official duties”); see also DEL. CONST. art. IV, § 11(5) (conferring jurisdiction on the Supreme Court to issue certain extraordinary writs to courts or judges); *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991) (“[T]his Court’s original jurisdiction to

(6) Medley also has not shown that the prothonotary has not docketed, or the Superior Court has arbitrarily refused or failed to act on, his various filings. The dockets in Criminal ID Nos. 1901013794 and 1906005528 reflect that Medley filed a motion for correction of illegal sentence on December 28, 2023, and the motion appears in the record.⁵ Medley’s July 5, 2024 motion for correction of illegal sentence is similarly reflected on the Superior Court docket. Medley’s complaint about a handwritten change to a filing stamp also is misplaced. The stamp at issue was clearly mistaken, as it reflects a date of December 4, 2024—a date that has not arrived even now. Medley has not demonstrated any wrongdoing by the prothonotary as to the stamp.

(7) Medley’s claim that the prothonotary did not docket, or the court has not acted on, his Superior Court petition for a writ of mandamus also is without merit. A petition for a writ of mandamus was docketed as Superior Court C.A. No.

issue a writ of mandamus is limited to instances when the respondent is a court or a judge thereof.”).

⁵ This Court has the record in the criminal case because Medley’s appeal from the Superior Court’s March 28, 2024 denial of Medley’s motion for postconviction relief is pending in Appeal No. 152, 2024. Medley’s appeal No. 149, 2024, from the Superior Court’s denial of postconviction relief in a separate criminal case is also pending in this Court. We note that Medley has been a prolific filer in both the Superior Court and in this Court. It is not entirely clear that the Superior Court has acted on Medley’s motion for correction of an illegal sentence filed on December 28, 2023, but the court has acted on many of Medley’s filings, including by addressing various arguments regarding his sentence. Medley has muddied the record by filing multiple motions and other documents, containing overlapping and shifting arguments, and the record reflects that the Superior Court has acted diligently to respond to them.

N24M-07-039 on July 18, 2024.⁶ That mandamus action appears to assert the challenge to DOC's calculation of Medley's release date that he asserts in the present petition in this Court.⁷ Medley has not shown that the Superior Court has arbitrarily failed or refused to act in that case. There have been numerous filings in the matter since its commencement, including, most recently, Medley's November 14, 2024 motion for leave to supplement his response to DOC's motion to dismiss. There is no basis for issuance of a writ from this Court as to that matter.

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is GRANTED. The petition for the issuance of a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura

Justice

⁶ Petitions for extraordinary writs filed in Superior Court are assigned civil action numbers and proceed as separate matters from the criminal actions to which they might relate. To the extent Medley is asserting that his writ-related filings were not docketed in his criminal actions, that claim does not demonstrate any error by the prothonotary, as his writ-related filings were appropriately docketed in the writ proceedings.

⁷ It appears that Medley's dispute with DOC about his release date concerns whether his sentence in Criminal ID Nos. N1901013794 and N1906005528 should run concurrently or consecutively with his sentence in a *separate* case, Criminal ID No. 1903000471. That is for the Superior Court to decide in the first instance, once the matter is ripe for decision.

We note that, in addition to C.A. No. N24M-07-039 and his prolific filings in his criminal cases, Medley has filed at least three other civil actions, including two other writ proceedings, in Superior Court in 2024; and three other civil actions in Superior Court in 2023.