

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§
PETITION OF ANIBAL	§ No. 242, 2026
MELLENDEZ GARCIA FOR A	§
WRIT OF MANDAMUS	§

Submitted: August 14, 2026
Decided: October 22, 2026

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, 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) The petitioner, Anibal Melendez Garcia, asks this Court to issue a writ of mandamus under Supreme Court Rule 43 directing the Superior Court to “address and rule upon” the issue that he raised in his third motion for the correction of an illegal sentence in Criminal Action Number 0509024924. The State, as the real party in interest, has filed an answer and has moved to dismiss the petition. After careful review, we conclude that the petition is without merit and must be dismissed.

(2) The Superior Court docket reflects that Garcia filed a motion for the correction of an illegal sentence under Superior Court Criminal Rule 35(a) in the Superior Court in February 2026. The Superior Court denied the motion on April 21, 2026. Garcia did not appeal.

(3) A writ of mandamus will issue to a trial court only 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 “[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.”²

(4) There is no basis for the issuance of a writ of mandamus here. First, the Superior Court did not arbitrarily fail to perform its duty: its order denying Garcia’s motion for the correction of an illegal sentence addressed the substance of the argument that Garcia raised in his Rule 35(a) motion. Second, to the extent Garcia disagreed with the court’s characterization of his argument, he had another remedy available to him: he could have filed a timely notice of appeal from the Superior Court’s order. But Garcia is not entitled to a writ of mandamus because he failed to exercise that right.³

¹ Del. Const. art. IV, § 11(e).

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

³ *In re Franklin*, 2020 WL 256172, at *1 (“[A] petitioner who has an adequate remedy in the appellate process may not use the extraordinary writ process as a substitute for a properly filed appeal.”).

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

BY THE COURT:

/s/ N. Christopher Griffiths
Justice