

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

1 THE CIRCLE, SUITE 2
SUSSEX COUNTY COURTHOUSE
GEORGETOWN, DE 19947

March 18, 2010

N440 STATE MAIL
Daniel Paskins
SBI: 00
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

Marc P. Niedzielski, Esquire
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801

Re: ***Paskins v. Judge Kenneth Clark and Court of Common Pleas***
C.A. No. S09M-11-042-RFS

State's Motion to Dismiss Plaintiff's Writ of Mandamus. Granted.

Dear Mr. Niedzielski and Mr. Paskins,

I have before me the State's Motion to Dismiss Defendant Daniel Paskins' Petition for a Writ of Mandamus. Defendant seeks an order compelling the Honorable Kenneth Clark of the Court of Common Pleas to release a waiver of indictment which Defendant signed on December 23, 1993. The issue has been litigated in this Court, the Court of Common Pleas and the Delaware Supreme Court. It will not be revisited now, and the

Motion to Dismiss is granted.

A Writ of Mandamus is a peremptory writ that will issue when the petitioner shows that he has a clear right to the performance of a duty by a trial court and that no other remedy is available.¹ Paskins has not shown that he has a clear right to a copy of his waiver of the indictment or to a reconstruction of transcripts from Common Pleas. On Defendant's first motion for postconviction relief, this Court ruled that Defendant fully waived his right to a copy of the indictment, a ruling that was affirmed on appeal. Defendant also raised the issue at least twice in Common Pleas, and that Court made clear that all records other than the docket sheet were appropriately placed in the Delaware Public Archives. Defendant returned to Superior Court and the Supreme Court with repetitive and frivolous motions, which were denied. The Supreme Court found that Defendant had abused its process and directed its Clerk to reject any further appeals from Defendant on this issue absent an order from Court. Defendant next filed a petition for a writ of mandamus in the Supreme Court on the allegedly defective waiver of indictment. This too was dismissed.

In light of repeated judicial rulings that Defendant is not entitled to the relief he seeks, the Court finds that the instant Petition is legally and factually frivolous. Any further judicial consideration of Defendant's submissions on this issue would constitute a

¹*In the Matter of Tilman Bordley's Petition for Writ of Mandamus*, 545 A.2d 619 (Del. 1988).

waste of judicial time and resources and would be contrary to the public interest.²

Mandamus is not a vehicle for forcing courts to address issues that have already been put to rest. The time must come for an end to litigation,³ and that time has come for Daniel Paskins on the issue of his waiver of the indictment and reconstruction of transcripts.⁴

This Court has the inherent authority to manage its affairs and to achieve the orderly and expeditious disposition of its business.⁵ To that end, the Prothonotary is directed not to docket any submission from Daniel Paskins involving criminal case I.D. Nos. 9312003318 or 9312006327 without an order from this Court.

The State's Motion to Dismiss is **GRANTED** and Defendant's petition is **DISMISSED**.

IT IS SO ORDERED.

Very truly yours,

Richard F. Stokes

Original to Prothonotary

²*Smith v. State*, 2009 WL 2888258 (Supr.).

³*Flamer v. State*, 585 A.2d 736 (Del. 1990).

⁴*State v. Mason*, 1998 WL 449563 (Del. Super.).

⁵*Burns v. Lavender Hill Herb Farm, Inc.*, 2006 WL 1579765 (Del. Super.).