

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                          |                                    |
|--------------------------|------------------------------------|
| DONALD J. THOMPSON, III, | §                                  |
|                          | §                                  |
| Petitioner Below,        | § No. 522, 2011                    |
| Appellant,               | §                                  |
|                          | §                                  |
| v.                       | § Court Below—Superior Court       |
|                          | § of the State of Delaware, in and |
| DEPARTMENT OF CORRECTION | § for New Castle County            |
| RECORDS DEPARTMENT,      | § C.A. No. N10M-12-090             |
|                          | §                                  |
| Respondent Below,        | §                                  |
| Appellee.                | §                                  |

Submitted: April 13, 2012

Decided: June 11, 2012

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 11<sup>th</sup> day of June 2012, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Donald Thompson, has filed this appeal from the Superior Court's denial of his petition for a writ of mandamus. Thompson sought the writ in order to compel the Department of Correction (DOC) to credit him with good time he claims to have earned on his sentence for his participation in the Greentree Program during 2008 and 2009. We find no merit to the appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The gist of Thompson’s argument on appeal is that the Department of Correction is incorrectly interpreting 11 *Del. C.* § 4381(d) to limit the amount of good time that an inmate can earn for satisfactory participation in approved programs to a total of 5 days credit per month. According to Thompson, Section 4381(d) allows an inmate to earn 5 days of good time credit for each approved program. Thus, according to Thompson, he is entitled to 22.5 more days of credit for his participation in Greentree.

(3) We disagree. Section 4381(d), effective August 15, 2008, provides that good time “may be earned by participation in education, rehabilitation, work or other programs as designated by the Commissioner. Good time may be awarded for satisfactory participation in approved programs at a rate of up to 5 days per calendar month.”<sup>1</sup> Thompson’s argument that Section 4381(d) allows the award of 5 days of good time credit for *each* program is contradicted by the clear language of the statute, which provides that good time in approved “programs” may be awarded at a rate of up to 5 days per month. We find this statutory language unambiguous and conclude that it was properly applied by the Department

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<sup>1</sup> DEL. CODE ANN. tit. 11, § 4381(d) (Supp. 2010).

of Correction.<sup>2</sup> Accordingly, we find no error in the Superior Court's denial of Thompson's petition for a writ of mandamus.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> See *Ross v. State*, 990 A.2d 424, 428-29 (Del. 2010) (when language of statute is plain and unambiguous, it must be applied to give effect to the legislature's intent).