

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

PATRICIA D. RICKMAN,

Petitioner,

V.

C.A. No: S26M-02-001 MHC

DELAWARE DEPARTMENT OF
JUSTICE,

Respondent.

ORDER

Submitted: October 22, 2026

Decided: October 27, 2026

Upon Consideration of Respondent's Motion to Dismiss, GRANTED.

Patricia D. Rickman, *Pro se.*

Jennifer Kate Aaronson, Esquire, and Jennifer M. Herrmann, Esquire, Deputy Attorneys General, Wilmington, Delaware, *Attorneys for Respondent*.

CONNER, J.

Before the Court is the Department of Justice's ("Respondent") Motion to Dismiss Patricia Rickman's ("Petitioner") Petition for Writ of Mandamus. Upon consideration of the Motion to Dismiss filed by Respondent and submissions of the parties, it appears to the Court that:

1. On February 2, 2026, Petitioner filed a Petition for Writ of Mandamus in this Court.
2. Petitioner's claims are grounded in the Crime Victims' Bill of Rights under 11 *Del. C.* § 9401 et seq., specifically the amendments brought forth in Senate Bill 17.
3. Petitioner requests this Court to order the Department of Justice to: (1) investigate the Protection from Abuse Hearings in the Sussex County Family Court; (2) investigate the cessation of Delaware State Police report intakes from Petitioner; (3) investigate and correct material errors in the Sussex County Family Court review of the Commissioner's Order dated June 12, 2023; (4) review retaliatory litigation and coercive control through the court process; and (5) review the admission of Nancy Martino into the Delaware Mental Health Court diversion program.¹
4. Respondent filed the instant Motion to Dismiss on March 9, 2026.
5. Petitioner filed her response to the Motion to Dismiss on March 24, 2026.

¹ Pet. for Writ of Mandamus, D.I. 1, at 14-18.

6. Respondent filed its reply brief on April 1, 2026.
7. Petitioner filed a second response on April 9, 2026.
8. The Respondent's motion was initially noticed to be heard on April 17, 2026.

It was re-noticed to be heard on May 15, 2026. The Petitioner requested a continuance of the May 15 date which was granted. It was then scheduled to be heard on July 30, 2026. Again, the Petitioner requested a continuance which was also granted. The Respondent has re-noticed the motion for November 6, 2026. However, upon further review of the parties' submissions, the Court is deciding the matter on the papers. This is the Court's decision on the Respondent's Motion to Dismiss.

The Petition for Writ of Mandamus

9. Under Count I, Petitioner seeks a Writ of Mandamus to order the Respondent to "review, investigate, and issue written findings explaining how and why Nancy Martino ("Martino") was permitted to participate in a Sussex County Family Court Zoom mediation on 'October 25, 2022, ...'"² Petitioner alleges that during this time, Martino had active felony warrants, and was actively threatening Petitioner and her minor child.³ Petitioner states that the investigation is necessary to determine whether mandatory victim-protection

² *Id.* at 14.

³ *Id.*

duties, outlined under 11 *Del. C.* § 9403, were violated, and whether the Court process was improperly abused to facilitate coercion.⁴

10. Under Count II, Petitioner seeks a Writ of Mandamus to order the Respondent to investigate and issue written findings regarding a supervisory directive from October 21, 2022, which allegedly instructed the Delaware State Police to cease accepting complaints from Petitioner.⁵ Petitioner states that the review is required to determine whether Respondent fulfilled its duty to ensure lawful intake, documentation, coordination, and victim notification.⁶

11. Under Count III, Petitioner seeks a Writ of Mandamus to order Respondent to investigate and issue written findings on alleged factual errors in an Order from the Family Court dated June 12, 2023.⁷ The Supreme Court of Delaware reviewed and affirmed the Family Court Order. In March of 2025, Petitioner allegedly supplied the Family Court with documentary proof of the alleged factual errors, and the Family Court issued an Amended Review, which was not considered by the Supreme Court.⁸ Petitioner states that mandamus relief is required to compel Respondent to comply with its duty to ensure the

⁴ *Id.*

⁵ *Id.* at 15.

⁶ *Id.*

⁷ *Id.* at 16.

⁸ *Id.*

accuracy of records, and to provide transparency and correction when material errors are identified.⁹

12. Under Count IV, Petitioner seeks a Writ of Mandamus to order Respondent to formally investigate whether court processes were used in a retaliatory or coercive manner in the proceedings involving Petitioner, from 2022 through January 21, 2026.¹⁰ Petitioner states that this request seeks the enforcement of mandatory transparency and victim-protection duties.¹¹

13. Under Count V, Petitioner seeks a Writ of Mandamus to order Respondent to review, investigate, and issue written findings, explaining why Martino was admitted into Delaware's Mental Health Court diversion program, when the record reflects that Martino should have been disqualified from the program.¹² Petitioner states that this request seeks compliance with the statutory eligibility standards and Senate Bill 17's victim-protection mandates.¹³

Respondent's Motion to Dismiss

14. In the Motion to Dismiss, Respondent brings forth several arguments to support its Motion. First, Respondent argues that Counts I and II are barred

⁹ *Id.*

¹⁰ *Id.* at 16-17.

¹¹ *Id.* at 17.

¹² *Id.* at 17.

¹³ *Id.* at 18.

by the Statute of Limitations.¹⁴ Second, the Petition must be dismissed because the 2025 amendments to the Crime Victims' Bill of Rights are not retroactive.¹⁵ Third, the Petitioner is not entitled to the extraordinary remedy of a Writ of Mandamus because granting the writ would be useless and Petitioner has other remedies available.¹⁶ Lastly, Petitioner has no clear legal right under the Crime Victims' Bill of Rights to the relief sought.¹⁷

Counts I and II are Barred by the Statute of Limitations

15. Respondent argues that Counts I and II are barred by the statute of limitations.

16. Under 10 *Del. C.* § 8106, a three-year statute of limitation is placed on a cause of action based on a statute.¹⁸

17. Count I is a cause of action based on a statute. Petitioner claims that the alleged conduct violated 11 *Del. C.* § 9401, Senate Bill 17, and 10 *Del. C.* § 1041. Count I derives from a Family Court Zoom mediation on October 25, 2022.

18. Count II is also based on a statute. Petitioner claims that the alleged conduct violated 11 *Del. C.* § 9401-9403, 10 *Del. C.* § 1045, and Senate Bill 17. Count II derives from a supervisory directive from October 21, 2022.

¹⁴ Respondent's Mot. to Dismiss, D.I. 4, at 4.

¹⁵ *Id.* at 5.

¹⁶ *Id.* at 6-10.

¹⁷ *Id.* at 11.

¹⁸ *Giles v. Town of Elsmere*, 2023 WL 6323758, at *5 (Del. Super. Ct. 2023).

19. Petitioner filed the Petition on February 2, 2026.
20. Both Count I and Count II are time-barred because the three-year statute of limitations had run prior to Petitioner filing the Petition on February 2, 2026.
21. However, Petitioner argues that Counts I and II are not time-barred because the harm is ongoing.¹⁹ This argument is misplaced. Delaware courts have held that “[t]he statute of limitations begins to run when the Plaintiff’s claim accrues, at the moment of the wrongful act, or breach.”²⁰ Respondent correctly asserts that “[a] continuing violation is occasioned by continual unlawful acts, not continual ill effects from an original violation.”²¹ Petitioner has not alleged continual unlawful acts, as the unlawful acts stem from closed cases.
22. Therefore, the statute of limitations on Count I began to run on the day of the zoom mediation, October 25, 2022, and ended on October 25, 2025. The statute of limitations on Count II began to run on the day of the alleged supervisory directive, October 21, 2022, and ended on October 21, 2025.
23. For these reasons, Counts I and II are time-barred by the statute of limitations.

¹⁹ Petitioner’s Resp. to Mot. to Dismiss, D.I. 6, at 3.

²⁰ *Trott v. Delaware Div. of Child Support Servs.*, 2025 WL 816768, at *4 (Del. Super. Ct. 2025), *reargument denied*, 2025 WL 1009418 (Del. Super. Ct. 2025), and *aff’d*, 350 A.3d 1247 (Del. 2025).

²¹ Respondent’s Reply Br. in Supp. of Mot. to Dismiss, D.I. 7, at 1 (quoting *Moelis & Co. v. W. Palm Beach Firefighters' Pension Fund*, 2026 WL 184868 (Del. 2026)).

**The 2025 Amendments to the Crime Victims' Bill of Rights are not
Retroactive**

24. As aforementioned, Respondent argues that the Petition must be dismissed because the 2025 amendments do not apply retroactively.
25. Petitioner filed this Petition, requesting the Court to issue a Writ of Mandamus to compel Respondent to “perform mandatory, nondiscretionary duties owed to crime victims under the Delaware Crime Victims’ Bill of Rights, 11 *Del. C.* § 9401 et. seq., as strengthened and clarified by Senate Bill 17.”²²
26. Senate Bill 17 introduced amendments to the Delaware Crime Victims’ Bill of Rights. The relevant amendment involves § 9402, Compliance with Chapter. Prior to the amendments of Senate Bill 17, the Delaware Crime Victims’ Bill of Rights did not provide a right to file a Writ of Mandamus. Senate Bill 17 amended the Crime Victims’ Bill of Rights to allow the petitioner to file a Writ of Mandamus under § 564 of Title 10, to require compliance with the chapter. Senate Bill 17 became effective on August 20, 2025.
27. Under Delaware law, there is a presumption against retroactive application of legislation.²³ Delaware Courts have found that “[l]aws apply retroactively

²² Pet. for Writ of Mandamus, D.I. 1, at 1.

²³ *Rutledge v. Clearway Energy Grp. LLC*, 2026 WL 548504, at *13 (Del. 2026).

only where the General Assembly has made its intent plain and unambiguous.”²⁴

28. Senate Bill 17 does not include language to indicate that it applies retroactively.
29. As aforementioned, Count I derives from a Family Court Zoom meeting on October 25, 2022, which is before the effective date of Senate Bill 17.
30. Similarly, Count II is based on a supervisory directive instructing the Delaware State Police to cease accepting complaints from Petitioner, which allegedly occurred on October 21, 2022. Similarly, this occurred prior to the effective date of Senate Bill 17.
31. Count III requests an investigation into the Family Court Order, dated June 12, 2023. Petitioner allegedly provided the Family Court with additional materials on March 3, 2025, which led the Family Court to issue an amended review. Both of these events occurred prior to Senate Bill 17’s effective date.
32. Count IV seeks to require Respondent to investigate whether court processes were used in a manner constituting retaliation or coercive control from 2022 through January 21, 2026. It is unclear which sections of the Crime Victims’ Bill of Rights were allegedly violated from 2022 through January 21, 2026, however, this will be addressed in a later section. Nonetheless, Senate Bill 17

²⁴ *Id.*

cannot be applied to any event that occurred prior to its effective date of August 20, 2025.

33. Lastly, Count V seeks a formal review of Martino's admission into Delaware's Mental Health Court diversion program, which according to Petitioner, occurred on or about February 20, 2023. This event occurred prior to Senate Bill 17's effective date.

34. Petitioner argues that she is not seeking retroactive application, but rather, she is seeking to enforce present, ongoing, statutory duties.²⁵ Petitioner claims that she submitted complaints, which were not addressed by Respondent. However, Petitioner does not provide a complaint to the Court. Instead, Petitioner attaches numerous email exchanges between her and various staff members at the Department of Justice, where she expressed her dissatisfaction with the State, or requested updates. However, the emails concern events or conduct that occurred before August 20, 2025. While the Crime Victims' Bill of Rights does not provide a template for how to submit a complaint with a law-enforcement agency, there is no indication in the emails that Petitioner was filing a formal complaint. Additionally, in the Petition, Petitioner does not assert that her emails constitute formal complaints, or that she filed a complaint. This argument is presented for the first time in her Responses to

²⁵ Petitioner's Resp. to Mot. to Dismiss, D.I. 9, at 2.

Respondent's Motion to Dismiss. Therefore, Petitioner's argument does not prevail.

35. Petitioner also argues that the "record identified by Petitioner" continues to be referenced in subsequent proceedings.²⁶ Even so, the reported events occurred prior to the Senate Bill 17 amendments.

36. For these reasons, the amendments in Senate Bill 17 do not apply retroactively. Therefore, Counts I, II, III, and V, as well as parts of Count IV, must be dismissed.

Based on the Facts Outlined in the Petition, Petitioner Is Not Entitled to a Writ of Mandamus

37. Respondent argues that even if the Crime Victims' Bill of Rights applied retroactively, Petitioner has not demonstrated that she is entitled to a Writ of Mandamus.

38. A Writ of Mandamus "may be issued by the Superior Court to command a lower court, agency, or public official to perform a duty 'to which the petitioner has established a clear legal right.'"²⁷ Mandamus "is an exceptional remedy that is not available as a matter of right, but rather, is issued only

²⁶ *Id.* at 4.

²⁷ *Brittingham v. Town of Georgetown*, 113 A.3d 519, 524 (Del. 2015).

according to the ‘sound judicial discretion’ of the court in which mandamus is sought.”²⁸

39. The Court may deny a petition where: (1) the legal duty is unclear; (2) the petitioner has another remedy available; (3) issuing the writ would be inequitable; (4) the necessity of the writ is moot; or (5) issuing a writ would be useless. The majority of states have held that “mandamus is not the proper remedy to compel the undoing of acts already done or the correction of errors or wrongs already perpetrated....”²⁹

40. First, granting the Petition would be futile.

41. In Count I, Petitioner seeks a review of a Family Court Proceeding. Specifically, Petitioner requests written findings as to “how and why” Martino was able to attend a Family Court mediation on Zoom on October 25, 2022.³⁰ In Count III, Petitioner seeks an investigation into the alleged factual errors contained in the Family Court Order dated June 12, 2023. Additionally, in Count V, Petitioner seeks an investigation into “how and why” Martino was admitted into Delaware’s Mental Health Court diversion program.³¹

²⁸ *Id.*

²⁹ *Id.* at 529.

³⁰ Pet. for Writ of Mandamus, D.I. 1, at 14.

³¹ *Id.* at 17.

42. Counts I, III, and V seek an investigation into various Court decisions, not conduct by the Department of Justice. A Writ of Mandamus is an available remedy to enforce the Department of Justice to comply with the requirements under the Crime Victims' Bill of Rights. A Writ of Mandamus would be useless for Counts I, III, and V because Respondent does not have the authority to investigate or supervise the decisions of the Court.

43. Second, Petitioner has other remedies available.

44. "A Writ of Mandamus will not issue, however, unless the petitioner can establish that there is no other adequate remedy available."³² In this case, Petitioner has not established that there is no other adequate remedy available.

45. Under Count II, Petitioner requests an investigation into the alleged cessation of Delaware State Police Report intake. As aforementioned, Senate Bill 17 does not apply retroactively. However, if Petitioner has a current complaint with a law-enforcement agency, she may file a complaint with the law-enforcement agency, as stated in 11 *Del. C.* § 9402(a). It is required that each law-enforcement agency "[d]esignate a supervisor who shall "receive, review, and promptly address complaints of noncompliance with this chapter."³³

³² *Brittingham*, 113 A.3d at 524.

³³ 11 *Del. C.* § 9402(a)(1).

There is no evidence that Petitioner filed a formal complaint with the respected law-enforcement agency.

46. Petitioner has another adequate remedy available under Count III as well.

Petitioner appealed the Family Court Order, which was affirmed by the Supreme Court. Petitioner could have brought these arguments in her appeal. A Writ of Mandamus is not the appropriate remedy to investigate an Order that was affirmed by the Supreme Court. Additionally, Respondent does not have supervisory authority over Court decisions.

47. Petitioner has another adequate remedy under Count IV. Under Count IV,

Petitioner seeks a Writ of Mandamus to order Respondent to conduct a review into alleged retaliatory or coercive court processes. Petitioner is not entitled to a Writ of Mandamus because she may pursue a lawsuit against Martino if she believes Martino is abusing the court process and filing frivolous lawsuits.

48. As aforementioned, the Court has discretion to grant a Writ of Mandamus, and the Court may deny a petition if the granting of the writ would be useless, or if the petitioner has another adequate remedy.

49. For these reasons, the Court finds that Petitioner is not entitled to a Writ of Mandamus.

**The Relief Petitioner Seeks Is Not a Right Afforded Under the Delaware
Crime Victims' Bill of Rights**

50. Lastly, Respondent argues that Petitioner has no clear legal right under the Delaware Crime Victims' Bill of Rights to the relief sought. This Court agrees.

51. The rights of crime victims are outlined under 11 *Del. C.* § 9403.

52. Delaware law is clear. A Writ of Mandamus “is extraordinary and appropriate only when a plaintiff is able to establish a clear legal right to the performance of a non-discretionary duty.”³⁴

53. Petitioner argues that Respondent has not complied with its duties under the Delaware Crime Victims' Bill of Rights, including duties of victim notification, transparency, interagency coordination, reasonable protection, written explanation when safety-related concerns are raised, and protection from retaliation where state processes were being used to perpetuate harm.³⁵ Petitioner claims that she put Respondent on notice of facts triggering these duties, and Respondent failed to provide Petitioner with “written explanations, victim notifications, or any meaningful response regarding whether perjury, stalking, extortion, abuse of process, or retaliatory litigation would be

³⁴ *Darby v. New Castle Gunning Bedford Ed. Ass'n*, 336 A.2d 209, 210 (Del. 1975).

³⁵ Pet. for Writ of Mandamus, D.I. 1, at 9-10.

investigated or addressed.”³⁶ These alleged duties are not set forth in the Delaware Crime Victims’ Bill of Rights.

54. Petitioner broadly cites to the Delaware Crime Victims’ Bill of Rights, but fails to identify the sections that set forth the duties Petitioner alleges Respondent violated. No such duties exist under the current version of the Delaware Crime Victims’ Bill of Rights, or the earlier versions.

55. For these reasons, Petitioner has not established a right to relief under the Delaware Crime Victims’ Bill of Rights.

Conclusion

56. In Conclusion, Counts I and II are time-barred.

57. The 2025 amendments to the Delaware Crime Victims’ Bill of Rights do not apply retroactively, and therefore, Counts I, II, III, and V must be dismissed, as well as parts of Count IV.

58. The Court may deny the petition for Writ of Mandamus because the granting of the writ would be futile, and there are adequate alternate remedies available to Petitioner.

59. Petitioner has not established a clear legal right to relief under the Delaware Crime Victims’ Bill of Rights.

³⁶ *Id.* at 9.

60. For these reasons, the Court **GRANTS** Respondent's Motion to Dismiss
Petitioner's Petition for Writ of Mandamus.

IT IS SO ORDERED.

/s/ Mark H. Conner

Mark H. Conner, Judge

oc: Prothonotary