

**STATE OF WEST VIRGINIA  
SUPREME COURT OF APPEALS**

**Kenny Cameron,  
Petitioner Below, Petitioner**

**vs.) No. 101419** (Kanawha County 10-MISC-17)

**West Virginia Department of Transportation  
Division of Motor Vehicles, Respondent  
Below, Respondent**

**FILED**

**September 23, 2011**  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

**MEMORANDUM DECISION**

Petitioner Kenny Cameron, a federal inmate who has been granted supervised release, appeals the circuit court's order denying his petition for a writ of mandamus to compel Respondent Division of Motor Vehicles (hereinafter "the DMV") to reinstate his driver's license. Petitioner argued that he needed his driver's license because the terms of his supervised release required him to obtain employment within thirty days of his release from federal prison. The instant appeal was timely filed by the *pro se* petitioner with the entire record being designated on appeal. The Court has carefully reviewed the written arguments contained in the *pro se* petition, and the case is mature for consideration.

Pursuant to Revised Rule 1(d) of the Revised Rules of Appellate Procedure, this Court is of the opinion that this matter is appropriate for consideration under the Revised Rules. Having considered the petition and the relevant decision of the lower tribunal, the Court is of the opinion that the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the Court determines that there is no prejudicial error. This case does not present either a new or significant question of law. For these reasons, a memorandum decision is appropriate under Rule 21 of the Revised Rules of Appellate Procedure.

Petitioner is a federal inmate who has been granted supervised release. In the proceedings below, petitioner filed a petition for a writ of mandamus asking the circuit court to compel the DMV to reinstate his driver's license upon the ground that "he needs a driver's license in order to obtain employment within thirty days of his release from federal prison, as will be required by the terms of probation." In seeking reinstatement before the circuit court, petitioner did not assert that his driver's license was unlawfully revoked or suspended, or that he had met any of the requirements for having his license reinstated. The circuit court specifically found that "[t]here is no evidence that the Petitioner has satisfied any judgments against him, paid any reinstatement or other fees, or satisfied any other requirements that

would make him eligible for reinstatement of his driving privileges.” By way of background, the circuit court further found that petitioner has consistently had his driver’s license either revoked or suspended since 1999.

Petitioner’s official Driver Record from the DMV contains nine “Open” revocations and/or suspensions dating back to October 5, 1999, including ones for “Mandatory Revocation – Conviction” and “Driving Under the Influence.” His latest suspension is listed as an “Unpaid Citation” that went into effect on August 28, 2008. The circuit court found that this latest suspension was “for failure to pay or respond to complaint no. 1000945180, which alleged possession of a controlled substance less than 15 grams, in Kanawha County Magistrate Court.” Because petitioner satisfied none of the requirements to have his driver’s license reinstated, the circuit court denied his petition for a writ of mandamus and dismissed the case from its docket.

“A *de novo* standard of review applies to a circuit court’s decision to grant or deny a writ of mandamus.” Syl. Pt. 1, *Harrison County Commission v. Harrison County Assessor*, 222 W.Va. 25, 658 S.E.2d 555 (2008). In addition, “[t]o invoke mandamus the relator must show (1) a clear right to the relief sought; (2) a legal duty on the part of the respondent to do the thing relator seeks; and (3) the absence of another adequate remedy.” Syl. Pt. 3, *Mayers v. Barte*, 167 W.Va. 194, 279 S.E.2d 406 (1981). Petitioner’s assertion on appeal that his August 28, 2008 suspension has been dismissed is belied by petitioner’s official Driver Record from the DMV. As there is no clear right in petitioner to the relief sought and no legal duty on the part of the DMV to do the thing petitioner seeks to compel, this Court concludes that the circuit court’s denial of petitioner’s petition for a writ of mandamus should be affirmed.

For the foregoing reasons, we find no error in the decision of the circuit court and the denial of petitioner’s petition for a writ of mandamus is affirmed.

Affirmed.

**ISSUED:** September 23, 2011

**CONCURRED IN BY:**

Chief Justice Margaret L. Workman

Justice Robin Jean Davis

Justice Brent D. Benjamin

Justice Menis E. Ketchum

Justice Thomas E. McHugh