

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1627

IN RE: RANDAL WISE,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of New Jersey
(Related to Crim. No. 3-20-cr-00102-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.
June 13, 2024

Before: HARDIMAN, MONTGOMERY-REEVES, and NYGAARD, Circuit Judges

(Opinion filed: June 26, 2024)

OPINION*

PER CURIAM

Randal Wise has filed a petition for a writ of mandamus. For the reasons that follow, we will deny the petition.

In January 2020, Wise was indicted in the United States District Court for the District of New Jersey on charges of attempting to entice a minor to engage in sexual

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

activity. In a superseding indictment, charges of transporting child pornography, possessing child pornography, and attempting to transfer obscene matter to a minor were added. In March 2022, Wise was found guilty by a jury on all four counts. He is currently awaiting sentencing.

The writ of mandamus will issue only in extraordinary circumstances. See Sporck v. Peil, 759 F.2d 312, 314 (3d Cir. 1985). As a precondition to the issuance of the writ, Wise must establish that there is no alternative remedy or other adequate means to obtain the desired relief and must demonstrate a clear and indisputable right to the relief sought. Kerr v. U.S. Dist. Court, 426 U.S. 394, 403 (1976). A petition for a writ of mandamus is not a substitute for an appeal. See In re Briscoe, 448 F.3d 201, 212 (3d Cir. 2006). In his mandamus petition, Wise asserts that the prosecution and police fabricated evidence against him and requests that we dismiss the case against him. Wise has the alternative remedy of challenging his conviction in his criminal proceedings and filing an appeal at the appropriate time. We note that he has raised similar allegations of fabricated evidence in a counseled motion for a new trial filed in the District Court. That motion is still pending. Because Wise has alternative remedies, mandamus relief is not warranted.

For the above reasons, we will deny the petition.