

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION       §  
OF SYLVESTER SHOCKLEY FOR A       § No. 117, 2005  
WRIT OF MANDAMUS                   §

Submitted: April 13, 2005

Decided: May 2, 2005

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

**ORDER**

This 2<sup>nd</sup> day of May 2005, it appears to the Court that:

(1) The petitioner, Sylvester Shockley, filed a petition for a writ of mandamus in this Court seeking to compel the Superior Court to docket his petition for a writ of mandamus filed in that court. Shockley requests the Superior Court to issue a writ of mandamus directed to the Department of Correction to calculate his conditional release date in accordance with the Court's decisions in *Crosby v. State*<sup>1</sup> and *Evans v. State*.<sup>2</sup> Shockley's petition in this Court asserts that the Superior Court has not docketed his petition below or assigned it a case number.

(2) The Superior Court record, however, reflects that Shockley's petition for a writ of mandamus was docketed on February 7, 2005 in Superior

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<sup>1</sup> 824 A.2d 894 (Del. 2003).

<sup>2</sup> 2004 WL 2743546 (Del. Nov. 23, 2004). This opinion recently was withdrawn by the Court after en banc reconsideration and thus has no force or effect. See *Evans v. State*, \_\_\_ A.2d \_\_\_ (Del. Apr. 11, 2005).

Court Civil Action Number 05M-02-029. That petition is still pending for decision before the Superior Court. Consequently, Shockley's petition for a writ of mandamus in this Court is moot. To the extent Shockley is requesting this Court to compel the Superior Court to grant his petition below, such a request is beyond the scope of mandamus relief.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of mandamus is DISMISSED as moot.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>3</sup> *In re Bordley*, 545 A.2d 619, 620 (Del. 1988) (holding that a writ of mandamus will not be issued to compel a trial court "to decide a matter in a particular way").