IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§	No. 66, 2006
PETITION OF JIMMIE LEWIS	§	
FOR A WRIT OF MANDAMUS.	§	Def. ID No. 0305016966

Submitted: February 23, 2006
Decided: April 24, 2006

Before **STEELE,** Chief Justice, **JACOBS** and **RIDGELY,** Justices.

O R D E R

This 24th day of April 2006, upon consideration of the petition for a writ of mandamus filed by the petitioner, Jimmie Lewis, and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1)   In October 2003, a Superior Court jury convicted Lewis of Carjacking in the Second Degree, Felony Theft and Resisting Arrest.   In February 2005, Lewis was sentenced to a total of eight years at Level V, suspended after six years, for probation. Lewis' convictions were affirmed on direct appeal.[1]

(2)   In January 2006, Lewis filed a motion for postconviction relief in the Superior Court. The following month Lewis filed his petition for a writ of mandamus in this Court. Lewis seeks to compel the Superior Court to order his

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[1]*Lewis v. State*, 2005 WL 2414293 (Del. Supr.).

former defense counsel and the State to respond to his postconviction motion.

(3)   There is no basis upon which to grant Lewis' mandamus petition. This Court will not issue a writ of mandamus to compel a trial court to perform a particular judicial function, to decide a matter in a particular way, or to dictate the control of its docket.[2] Moreover, in view of the Superior Court's order of February 9, 2006, Lewis' petition for a writ of mandamus is moot.[3]

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is granted, and Lewis' petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice

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[2]*In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

[3]*See State v. Lewis*, Del. Super., Cr. ID No. 0305016966, Ableman, J. (Feb. 9, 2006) (order directing that former defense counsel file affidavit and Department of Justice file legal memorandum in response to motion for postconviction relief).