

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)	
)	
v.)	I.D. No. 9902006667
)	
)	
THOMAS L. MOORE)	
)	

Submitted: August 24, 2001
Decided: August 27, 2001

O R D E R

UPON DEFENDANT'S MOTION FOR POSTCONVICTION RELIEF.
MOOT.

This 27th day of August, 2001, upon consideration of the Defendant's Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61 and the record in this case, it appears that:

(1) On September 29, 2000, this Court sentenced Defendant, Thomas L. Moore, for violation of probation in the above-captioned matter. On June 7, 2001, the Court again determined that Moore was guilty of violating the terms of his probation. The Court revoked the sentence of September 29, 2000 and imposed a new sentence.

(2) Moore's current Motion for Postconviction Relief attempts to challenge his conviction for violation of probation and the terms of the sentence imposed on September 29, 2000. Rule 61 governs applications by persons "in custody or subject to future custody under a sentence of this court." Because the Court revoked the sentence imposed on September 29, 2000, Moore is no longer in custody or subject to future custody as a result of that sentence.

Therefore, the Court finds that Moore's Motion for Postconviction Relief is **MOOT.**

IT IS SO ORDERED.

Carl Goldstein, Judge

oc: Prothonotary
cc: Thomas L. Moore