

(2) In August 2004, the grand jury indicted Sample on 32 drug offenses. In March 2005, Sample pleaded guilty to one count of Trafficking in Cocaine. He was sentenced to 25 years at Level V incarceration, to be suspended after 10 years for 1 year at Level III probation. In January 2006, Sample filed his first motion for postconviction relief in the Superior Court. The Superior Court denied the motion in March 2007 and this Court affirmed the Superior Court's judgment.³

(3) A writ of mandamus is an extraordinary remedy issued by this Court to compel a trial court to perform a duty.⁴ As a condition precedent to the issuance of the writ, Sample must demonstrate that a) he has a clear right to the performance of the duty; b) no other adequate remedy is available; and c) the trial court has arbitrarily failed or refused to perform its duty.⁵

(4) Sample has failed to demonstrate that he is entitled to the issuance of a writ of mandamus. The State of Delaware's answers to Sample's petitions, and the attachments thereto, reflect that the Attorney General's Office has obtained the documents requested by Sample and has

³ *Sample v. State*, Del. Supr., No. 278, 2007, Jacobs, J. (Oct. 22, 2007).

⁴ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

⁵ *Id.*

provided him with copies of those documents. As such, Sample's petition is moot.⁶

NOW, THEREFORE, IT IS ORDERED that the petitions for a writ of mandamus are DISMISSED AS MOOT.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁶ To the extent that Sample requests documents not previously requested from the Superior Court, he has failed to demonstrate that the Superior Court has failed or refused to act. *In re Bordley*, 545 A.2d at 620.