

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF KEVIN S. § No. 447, 2009
EPPERSON FOR A WRIT OF §
MANDAMUS. §

Submitted: August 26, 2009
Decided: October 13, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 13th day of October 2009, upon consideration of Kevin S. Epperson's petition for a writ of mandamus and the State's answer and motion to dismiss, it appears to the Court that:

(1) The petitioner, Kevin S. Epperson, is a state prisoner serving a term of imprisonment following his March 1996 conviction for Kidnapping in the First Degree and Unlawful Sexual Contact in the Second Degree. Epperson seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of mandamus to compel the Superior Court Prothonotary to docket his latest postconviction motion.

(2) It appears from the Superior Court docket that Epperson's latest postconviction motion was docketed on August 14, 2009 and summarily dismissed by the Superior Court on August 27, 2009. As a result, Epperson's mandamus petition in this Court is moot.

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

BY THE COURT:

/s/ Randy J. Holland
Justice