

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |                                |
|--------------------|--------------------------------|
| JOSEPH L. BURTON,  | §                              |
|                    | § No. 236, 2000                |
| Defendant Below-   | §                              |
| Appellant,         | §                              |
|                    | § Court Below—Superior Court   |
| v.                 | § of the State of Delaware,    |
|                    | § in and for New Castle County |
| STATE OF DELAWARE, | § Cr.A. Nos. IN98-02-1753AC    |
|                    | § through IN98-02-1759AC       |
| Plaintiff Below-   | §                              |
| Appellee.          | §                              |

Submitted: December 17, 2001  
Decided: December 19, 2001

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

**ORDER**

This 19<sup>th</sup> day of December 2001, it appears to the Court that:

(1) This matter was remanded to the Superior Court by Order dated March 6, 2001, for further remand to the Court of Common Pleas to determine whether defendant below-appellant was entitled to a new trial on the ground of ineffective assistance of counsel.

(2) On November 15, 2001, the Court of Common Pleas granted the appellant a new trial. The parties to this appeal have agreed that the grant of a new

trial by the Court of Common Pleas renders this appeal, as well as the later Superior Court appeal, moot.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED as moot and the matter REMANDED to the Superior Court for further remand to the Court of Common Pleas for the grant of a new trial.

BY THE COURT:

s/Joseph T. Walsh  
Justice



