

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE
PETITION OF JUSTO L.
MORALES FOR A WRIT OF
MANDAMUS.

No. 18, 2001

Submitted: March 12, 2001

Decided: March 16, 2001

Before **WALSH, HOLLAND and BERGER**, Justices.

ORDER

This 16th day of March 2001, it appears to the Court that:

(1) On January 8, 2001, Justo L. Morales filed a petition for a writ of mandamus seeking to compel the Superior Court to rule on Morales' motion for postconviction relief that was filed in April 1999. On January 29, 2001, the State filed an answer and motion to dismiss the petition.

(2) By letter dated February 5, 2001, the Clerk of this Court asked the Superior Court to clarify the status of the Superior Court record with respect to Morales' motion for postconviction relief. In its February 14 letter response to the Clerk, the Superior Court reported that it had, in hindsight, mistakenly interpreted a letter Morales submitted to the court in August 1999 as a request to withdraw the postconviction motion. The

Superior Court indicated that it intended to decide Morales' motion for postconviction relief within 20 days.

(3) On March 12, 2001, the Superior Court filed a copy of its order of March 8, 2001, denying Morales' motion for postconviction relief. The Superior Court's March 8 decision renders moot Morales' petition for a writ of mandamus in this Court.

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

BY THE COURT:

/s/ Randy J. Holland
Justice