

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                    §  
PETITION OF KEVIN S.                 § No. 549, 2003  
EPPERSON FOR A WRIT OF            §  
MANDAMUS                               §

Submitted: December 9, 2003  
Decided: February 9, 2004  
Amended: February 25, 2004

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

**ORDER**

This ninth day of February 2003, upon consideration of Kevin Epperson's petition for a writ of mandamus and the State's response thereto, it appears to the Court that:

(1) Epperson has filed a petition requesting this Court to issue an extraordinary writ of mandamus directed to the Superior Court Prothonotary. Epperson asserts that the Prothonotary has not properly docketed a motion that he has filed in that court. In a previous petition in which Epperson made similar allegations, this Court dismissed Epperson's petition for a writ, in part, because Epperson did not properly file his motion for sentence correction in the Superior Court but instead improperly had filed his motion in this Court.\* Although this Court dismissed Epperson's petition for an extraordinary writ, the Clerk of the Court forwarded Epperson's motion for sentence correction to

the Superior Court judge for action. Epperson filed his present writ claiming that the Superior Court Prothonotary still has not docketed his motion properly.

(2) A review of the Superior Court docket in Epperson's case reflects that the documents forwarded by the Clerk of this Court were docketed by the Superior Court Prothonotary on November 12, 2003. Moreover, the Superior Court docket reflects that the judge denied Epperson's motion for correction of sentence on January 22, 2004. Accordingly, we find that Epperson's petition for a writ of mandamus is moot.

NOW, THEREFORE, IT IS ORDERED that Epperson's petition for the issuance of an extraordinary writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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\* *In re Epperson*, Del. Supr., No. 453, 2003, Holland J. (Nov. 4, 2003).