

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF LLOYD §
ANDERSON FOR A WRIT OF § No. 301, 2000
MANDAMUS §
 §

Submitted: July 10, 2000
Decided: August 21, 2000

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

ORDER

This 21st day of August 2000, upon consideration of Lloyd Anderson's petition for a writ of mandamus¹ and the State's response and motion to dismiss, it appears to the Court that:

(1) The petitioner, Lloyd Anderson, filed a petition for a writ of mandamus requesting that this Court order the Superior Court to act on, and grant, his motions to proceed in forma pauperis and for a copy of a trial transcript at State expense. After careful consideration, we have determined that the petition must be DISMISSED AS MOOT.

(2) The record indicates that Anderson's motions were referred to a Superior Court judge on March 14, 2000 and were denied by order dated August

¹Supr. Ct. R. 43.

7, 2000. A review of the Supreme Court docket reveals that on August 14, 2000 Anderson filed an appeal from the Superior Court's order denying his motions.

(3) This Court will issue a writ of mandamus to a trial court only when the petitioner can demonstrate that: the petitioner has a clear right to the performance of a duty; no other remedy is available; and the trial court has arbitrarily failed or refused to perform its duty.²

(4) The Superior Court has acted on Anderson's motions. Moreover, Anderson has pursued an alternative remedy by filing an appeal from the Superior Court's order denying his motions. Thus, his petition for a writ of mandamus is moot.

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

BY THE COURT:

s/Joseph T. Walsh
Justice

²*In re Hyson*, Del. Supr., 649 A.2d 807, 808 (1994).