

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF KEVIN S. § No. 226, 2004
EPPERSON FOR A WRIT OF §
MANDAMUS §

Submitted: June 14, 2004

Decided: June 28, 2004

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

ORDER

This 28th day of June 2004, 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 for correction of sentence that Epperson's friend filed in person on his behalf in that court.

(2) On June 14, 2004, the Court received a copy of a letter from the Superior Court Prothonotary to Epperson. In the letter, the Prothonotary explains that she conducted an investigation into Epperson's complaints. She discovered that the document filed by Epperson's friend consisted of a three-page cover letter with several exhibits, which included a photocopy of Epperson's motion. The Prothonotary explained that, because the motion was attached to the back of other documents and

because it did not contain Epperson's original signature, the court clerk who docketed the letter did not realize that the photocopied motion attached to it was intended to be a new filing that required action by a Superior Court judge. The Prothonotary represented that the docket had been corrected to reflect the filing of Epperson's motion and that the motion had been forwarded to a judge for decision. The letter instructed Epperson to conform future filings to the requirements of the Superior Court rules in order to avoid any more problems.

(3) The State has filed a motion to dismiss Epperson's writ of mandamus as moot. After review of the Superior Court's updated docket, it is apparent that Epperson's motion for correction of sentence has been docketed and is currently pending before the Superior Court for decision. Accordingly, the relief sought in 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/ Myron T. Steele
Chief Justice