

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF KEVIN § No. 134, 2004
L. DICKENS FOR A §
WRIT OF MANDAMUS. § Def. ID No. 0010003055

Submitted: June 7, 2004
Decided: June 29, 2004

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

ORDER

This 29th day of June 2004, upon consideration of the petition for a writ of mandamus, the answer and motion to dismiss, and the petitioner's request for dismissal of the petition, it appears to the Court that:

(1) The petitioner, Kevin L. Dickens, filed a petition for a writ of mandamus seeking to compel the Superior Court to rule on his motion for postconviction relief. The State of Delaware filed an answer and motion to dismiss in opposition to the petition.

(2) By decision dated May 25, 2004, the Superior Court denied Dickens' postconviction motion.¹ On June 7, 2004, Dickens filed a notice of

¹*State v. Dickens*, Del. Super., Def. ID No. 0010003055, Vaughn, J. (May 25, 2004).

appeal from the May 25 decision.² In a letter enclosing the notice of appeal, Dickens requests that the Court dismiss his mandamus petition as moot.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

²The appeal is proceeding as *Dickens v. State*, Del. Supr., No. 250, 2004.