

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JERRY FINCH § No. 326, 2004
FOR A WRIT OF MANDAMUS. § Def. ID No. 9511007490

Submitted: August 17, 2004

Decided: August 23, 2004

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

ORDER

This 23rd day of August 2004, upon consideration of the petition for a writ of mandamus filed by Jerry Finch and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) In 1996, Jerry Finch pled guilty to Delivery of a Controlled Narcotic Substance and was sentenced to seven years at Level V, suspended after five years, for two years of probation. Finch was found guilty of violation of probation in June 2003 and December 2003 and was sentenced, in the latter proceeding on December 5, 2003, to one year and eleven months at Level V, suspended upon successful completion of the Level V Key Program, for one year at Level III.

(2) On June 15, 2004, Finch filed a motion in the Superior Court to correct clerical errors in his sentence. On July 28, 2004, Finch filed a petition for a writ of mandamus in this Court, seeking to compel the Superior Court to rule on the motion to correct clerical errors.

(3) By order dated August 3, 2004, the Superior Court denied Finch's motion to correct clerical errors. In view of the Superior Court's August 3 order, Finch's 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/ Myron T. Steele
Chief Justice