

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE  
PETITION OF FRANCIS  
ALLEN FOR A WRIT OF  
ERROR CORAM NOBIS.

No. 71, 2000

Submitted: April 12, 2000

Decided: May 23, 2000

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

**ORDER**

This 23<sup>rd</sup> day of May 2000, it appears to the Court that:

(1) On February 16, 2000, Mr. Francis Allen filed a petition for a “writ of error coram nobis”<sup>1</sup> in this Court. On March 6, 2000, the State filed an answer and motion to dismiss.

(2) In April 1994, Allen pleaded guilty in the Superior Court to one count of second degree robbery.<sup>2</sup> Allen was sentenced to three years of imprisonment, suspended for varying levels of probation. In October 1997, Allen was adjudged guilty of violation of probation and was sentenced

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<sup>1</sup> The writ of error coram nobis is not one of the extraordinary writs within the original jurisdiction of this Court. See Del. Const. Art. IV, § 11(6). Allen appears to seek mandamus relief.

<sup>2</sup> *State v. Allen*, Del. Super., Cr.A.No. IN94-02-0501.

to three years of imprisonment, suspended for probation upon completion of a residential drug treatment program.<sup>3</sup>

(3) In his petition filed in this Court, Allen alleged that his Superior Court sentence expired on February 23, 2000. By letter dated March 31, 2000, this Court asked the Superior Court to review the status of Allen's sentence.

(4) By letter dated April 12, 2000, the Superior Court reported that Allen was released on April 6, 2000. As a result, Allen's petition in this Court is now moot.

NOW, THEREFORE, IT IS HEREBY ORDERED that the State's motion to dismiss is GRANTED. Allen's petition for a "writ of error coram nobis" is DISMISSED.

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice

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<sup>3</sup> It appears from the record that Allen refused to participate in the residential drug treatment program.