

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF KEVIN L. § No. 83, 2002
DICKENS FOR A WRIT §
OF MANDAMUS. § Def. ID No. 0010003055

Submitted: March 12, 2002

Decided: April 3, 2002

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

ORDER

This 3rd day of April 2002, upon consideration of the petition for a writ of mandamus filed by Kevin L. Dickens, and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) In December 2001, a Superior Court jury convicted Kevin L. Dickens of Assault in the Second Degree and Resisting Arrest.¹ The Superior Court ordered a presentence investigation and scheduled sentencing for February 13, 2002.²

(2) On February 11, 2002, two days prior to Dickens' scheduled sentencing, the Superior Court approved the prosecutor's request for a continuance. Dickens' sentencing was rescheduled for February 27, 2002.

¹*State v. Dickens*, Del. Super., No. 0010003055, Vaughn, J. (Dec. 4, 2001). Dickens was acquitted of three other charges.

²Dickens was released on bail pending sentencing, but on January 9, 2002, his bail was increased, and he was committed in default of bail.

Dickens' sentencing was continued two more times, on February 25, 2002, and again on March 13, 2002.

(3) On February 19, 2002, after his sentencing was continued the first time, Dickens filed a petition for a writ of mandamus. Dickens requested that this Court order the Superior Court to sentence him without further delay. On March 12, 2002, the State filed an answer and motion to dismiss Dickens' mandamus petition.

(4) It appears from the Superior Court docket that Dickens was sentenced on March 27, 2002.³ As a result, Dickens' petition for a writ of mandamus in this Court is moot.

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

³Dickens was sentenced, effective January 9, 2002, to nine years at Level V, suspended after four years and 30 days, to one year at a Level IV halfway house, followed by decreasing levels of probation.