

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION §
OF VINCENT GRAHAM FOR A WRIT § No. 28, 2004
OF MANDAMUS §

Submitted: February 4, 2004
Decided: February 13, 2004

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

ORDER

This 13th day of February 2004, it appears to the Court that the petitioner, Vincent Graham, filed a petition for a writ of mandamus seeking to compel the Superior Court to rule on his “Motion to Lift Capias Warrant/VOP Detainer,” which he filed on April 22, 2003. A review of the Superior Court docket reflects that Graham’s motion was denied on August 20, 2003. Consequently, Graham’s petition for a writ of mandamus is moot. To the extent Graham seeks review of the Superior Court’s denial of his motion, the extraordinary writ process will not serve as a substitute for a timely-filed appeal.*

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

BY THE COURT:

/s/ Myron T. Steele
Justice

* *Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).