

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF DORIAN D. § No. 611, 2008
WAINER FOR A WRIT OF §
MANDAMUS. §

Submitted: January 15, 2009

Decided: February 9, 2009

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

ORDER

This 9th day of February 2009, the Court has considered Dorian D. Wainer's petition for a writ of mandamus, the State's answer and motion to dismiss, and the Superior Court's letter of January 15, 2009 with respect to *State v. Wainer*, Del. Super., Cr. ID No. 0304002154. In view of the Superior Court's January 13, 2009 action on Wainer's motion for credit for time served in that case, it is clear that the 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/ Jack B. Jacobs
Justice