

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JIMMIE LEWIS § No. 88, 2008
FOR A WRIT OF MANDAMUS §

IN THE MATTER OF THE §
PETITION OF JIMMIE LEWIS § No. 104, 2008
FOR A WRIT OF MANDAMUS §

IN THE MATTER OF THE §
PETITION OF JIMMIE LEWIS § No. 141, 2008
FOR A WRIT OF MANDAMUS §

Submitted: April 11, 2008

Decided: July 7, 2008

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

ORDER

This 7th day of July 2008, having considered the *pro se* petitions for a writ of mandamus filed by Jimmie Lewis in No. 88, 2008, No. 104, 2008 and No. 141, 2008 (collectively “mandamus petitions”) and the answers and motions to dismiss and suggestion of mootness filed by the State of Delaware, it appears to the Court that:

(1) Lewis’ mandamus petitions arise from the same Superior Court criminal matter. In the interest of judicial economy, the mandamus petitions have been consolidated, *sua sponte*, for decision.

(2) In 2003, a Superior Court jury convicted Lewis of carjacking, theft and resisting arrest. On direct appeal, this Court affirmed Lewis’

conviction.¹ In 2006 and 2007, Lewis unsuccessfully moved for postconviction relief.²

(3) In No. 88, 2008, Lewis seeks mandamus relief to compel his transfer to a lower level of supervision. In No. 104, 2008, Lewis seeks mandamus relief to compel counsel's responses to postconviction-related papers that Lewis filed in February 2008. Similarly, in No. 141, 2008, Lewis seeks mandamus relief to compel counsel's responses to a motion for postconviction relief that Lewis filed in March 2008.

(4) A writ of mandamus is an extraordinary remedy issued by this Court to compel a trial court to perform a duty.³ Mandamus relief is not warranted under any of the scenarios advanced by Lewis. Lewis has not demonstrated that the Superior Court failed or refused to perform a duty owed to him. Moreover, in view of the Superior Court's denial of Lewis' March 2008 motion for postconviction relief, Lewis' mandamus petitions in No. 104, 2008 and No. 141, 2008 are moot.⁴

¹ *Lewis v. State*, 2005 WL 2414293 (Del. Supr.).

² *See State v. Lewis*, 2006 WL 2560145 (Del. Super.), *appeal dismissed*, 2006 WL 3604832 (Del. Supr.); *State v. Lewis*, 2007 WL 1241873 (Del. Super.), *aff'd*, 2007 WL 3385910 (Del. Supr.).

³ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

⁴ *State v. Lewis*, 2008 WL 732563 (Del. Super.), *appeal pending*, No. 161, 2008, (Del. Supr. Apr. 28, 2008).

NOW, THEREFORE, IT IS ORDERED that the mandamus petitions
are hereby CONSOLIDATED and DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice