

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE
PETITION OF ARVIL POSTLES
FOR A WRIT OF
MODIFICATION OR
REDUCTION.

No. 126, 2000

Submitted: April 5, 2000
Decided: April 25, 2000

Before **WALSH, HOLLAND and HARTNETT**, Justices.

ORDER

This 25th day of April 2000, it appears to the Court that:

(1) By order dated November 1, 1999, a Family Court Commissioner committed Arvil Postles to the Department of Correction, Level IV work release, for a period of six months or until Postles paid \$3,000.00 on his child support account. *State v. Postles*, Del. Fam., C.A. No. CK93-4296, Horsey, Comm. (Nov. 1, 1999) (ORDER). The November 1 order provided that Postles was to be held at Level V until space became available at Level IV. The order further provided that the Family Court would review the commitment on May 1, 2000.

(2) On March 28, 2000, Postles filed a petition for a “writ of modification or reduction” in this Court. On April 5, 2000, the State filed an answer and motion to dismiss.

(3) Although Postles’ petition is not properly titled, he appears to seek mandamus relief. Postles complains that he spent four months of his six-month sentence at Level V and then was transferred, inappropriately and in violation of the Family Court’s November 1 commitment order, to a “holding facility,” i.e., the Violation of Probation Center in Georgetown, Delaware. Postles asks that this Court issue an order compelling the Family Court to release him to Level IV home confinement or to Level III probation.

(4) According to staff at the Violation of Probation Center in Georgetown, Postles was released to Level III probation on April 14, 2000. As a result, Postles’ petition in this Court is now moot.

NOW, THEREFORE, IT IS HEREBY ORDERED that the State’s motion to dismiss is GRANTED. Postles’ petition for a “writ of modification or reduction” is DISMISSED.

BY THE COURT:

Randy J. Holland

Justice