

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
Plaintiff,)	
)	
v.)	Cr. ID. No. 1306017883
)	
ANTHONY L. DALE,)	
)	
Defendant.)	

Submitted: April 29, 2016
Decided: June 15, 2016

Upon Commissioner's Report and Recommendation On
Defendant's Motion for Postconviction Relief
Should be Denied

ADOPTED

ORDER

This 15th day of June, 2016, the Court has considered the Commissioner's Report and Recommendation, Defendant's Motion for Postconviction Relief, and the relevant proceedings below.

On July 31, 2014, Defendant Anthony L. Dale filed this *pro se* motion for postconviction relief. Subsequently, Defendant was assigned counsel ("Rule 61 Counsel"). The motion was referred to a Superior Court Commissioner in accordance with 10 *Del. C.* § 512(b) and Superior Court Criminal Rule 62 for proposed findings of fact and conclusions of law. On December 7, 2015,

Defendant filed an Amended Motion for Postconviction Relief. On March 31, 2016, the State filed a Response to Defendant's Amended Motion for Postconviction Relief. On April 15, 2016, Defendant filed a Reply Brief in support of his Amended Motion for Postconviction Relief. The Commissioner issued the Report and Recommendation on April 19, 2016. The Commissioner recommended that Defendant's Motion for Postconviction Relief be denied.

"Within ten days after filing of a Commissioner's proposed findings of fact and recommendations . . . any party may serve and file written objections."¹ Neither party has filed an objection.

The Court holds that the Commissioner's Report and Recommendation dated April 19, 2016, should be adopted for the reasons set forth therein. The Commissioner's findings are not clearly erroneous, are not contrary to law, and are not an abuse of discretion.²

THEREFORE, after careful and *de novo* review of the record in this action, the Court hereby adopts the Commissioner's Report and Recommendation in its entirety. Defendant's Motion for Postconviction Relief is hereby **DENIED**.

IT IS SO ORDERED.


The Honorable Mary M. Johnston

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).