

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

ANTHONY A. ABBATIELLO,

Defendant.

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I.D. # 1505015619A,
1505015619B

ORDER UPON REMAND

NOW, THEREFORE, this 31st day of January, 2017, upon remand from the Delaware Supreme Court, it appears to the Court that:

1. On December 3, 2016, the Delaware Supreme Court remanded this case to the Superior Court to conduct an evidentiary hearing regarding the Defendant's affidavit for waiver of counsel.

2. A hearing on remand was conducted on January 25, 2017. Present at the hearing was the Defendant, the State, represented by Elizabeth R. McFarlan, Esq. and Patrick J. Smith, Esq., Timothy J. Weiler, Esq., and Bernard J. O'Donnell, Esq.

3. Upon questioning by the Court, the Defendant indicated he no longer wishes to proceed *pro se* and wishes Mr. O'Donnell to represent him. Mr. O'Donnell advised the Court that he is willing to represent the Defendant and has

entered his appearance on behalf of the Defendant in the Delaware Supreme Court for purposes of the Defendant's appeal.

4. The Court explained to the Defendant that it is unlikely the Delaware Supreme Court will entertain a second request to proceed *pro se* during the pendency of the direct appeal. The Defendant indicated he understands and confirmed that he wishes to proceed with the appeal with Mr. O'Donnell's representation.

5. The Court therefore concluded that no additional evidentiary hearing was warranted. As the Delaware Supreme Court retained jurisdiction, no further action was taken by this Court.

IT IS SO ORDERED.


Abigail M. LeGrow, Judge

Original to Prothonotary

cc: The Honorable Jan R. Jurden
Timothy J. Weiler, Esquire
Bernard J. O'Donnell, Esquire
Elizabeth R. McFarlan, Esquire
Patrick J. Smith, Deputy Attorney General