IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Cr. ID. No. 1404018370
	)	
JAMES DANIELS,	)	
	)	
Defendant.		

Submitted: October 14, 2016
Decided: December 13, 2016

Upon Commissioner's Report and Recommendation on Defendant's Motions for Postconviction Relief and Discovery and Inspection

ADOPTED

ORDER

This 13th day of December, 2016, the Court has considered the Commissioner's Report and Recommendation, Defendant's Motion for Postconviction Relief, Defendant's Motion for Discovery and Inspection, and the relevant proceedings below.

On February 1, 2016, Defendant James Daniels filed this *pro se* motion for Postconviction relief. 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 May 12, 2016, Defendant

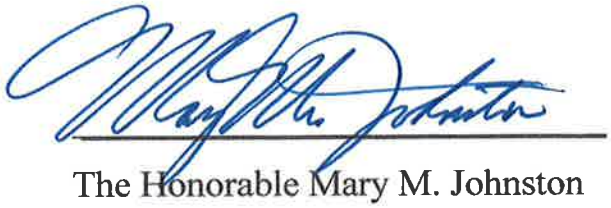
filed the Motion for Discovery and Inspection while the Motion for Postconviction Relief was pending. The Commissioner issued the Report and Recommendation on October 14, 2016. The Commissioner recommended that Defendant's Motions for Postconviction Relief and Discovery and Inspection be denied.

"Within ten days after filing of a Commissioner's proposed Report and Recommendation . . . any party may serve and file written objections."[1] Neither party has filed an objection to the Commissioner's Report and Recommendation.

The Court holds that the Commissioner's Report and Recommendation dated October 14, 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 Motions for Postconviction Relief and Discovery and Inspection are hereby DENIED.**

IT IS SO ORDERED.



The Honorable Mary M. Johnston

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[1] Super. Ct. Crim. R. 62(a)(5)(ii).

[2] Super. Ct. Crim. R. 62(a)(4)(iv).