

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	ID No.'s 1304005747, 1307014604
)	1310005699
)	In and For Kent County
v.)	
)	
)	
CHRISTOPHER D. WEIL,)	
)	
Defendant.)	

ORDER

On this 3rd day of March, 2017, upon consideration of the Defendant's Motion For Postconviction Relief Pursuant to Superior Court Criminal Rule 61, the Commissioner's Report and Recommendation and the record in this case, it appears that:

1. The Defendant, Christopher D. Weil ("Weil"), pled guilty on February 17, 2014, to one count of Robbery First Degree, 11 *Del. C.* § 832, one count of Possession of a Deadly Weapon During the Commission of a Felony, 11 *Del. C.* § 1447, one count of Home invasion, 11 *Del. C.* § 826A, one count of Possession of a Firearm or Firearm Ammunition by a Person Prohibited, 11 *Del. C.* § 1448, one count of Aggravated Menacing, 11 *Del. C.* § 602, and one count of Possession of a Deadly Weapon by a Person Prohibited, 11 *Del. C.* § 1448. In exchange for Weil's plea, the State entered *nolle prosequis* on the remaining charges and agreed to a pre-sentence investigation. The Court sentenced Weil to a total of seventy one years at Level V, suspended after serving thirty years of which seventeen were minimum mandatory followed by probation.

2. The Defendant did not appeal his conviction or sentence to the Delaware

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Supreme Court; instead he filed, *pro se*, the pending Motion For Postconviction Relief pursuant to Superior Court Criminal Rule 61. In his motion the Defendant raised the following ground for relief: 1) ineffective assistance of counsel.

3. The Court referred this motion to Superior Court Commissioner Andrea M. Freud pursuant to 10 *Del. C.* §512(b) and Superior Court Criminal Rule 62 for proposed findings of facts and conclusions of law.

4. The Commissioner has filed a Report and Recommendation concluding that the Motion For Postconviction Relief should be denied, because it is procedurally barred and completely meritless.

NOW, THEREFORE, after *de novo* review of the record in this action, and for reasons stated in the Commissioner's Report and Recommendation dated October 21, 2016,

IT IS ORDERED that the Commissioner's Report and Recommendation is adopted by the Court, and the Defendant's Motion for Postconviction Relief is ***denied*** as procedurally barred and meritless.

/s/ Robert B. Young

J.

RBV/lmc

oc: Prothonotary

cc: Honorable Andrea M. Freud
Marie O'Connor Graham, Esq.
William T. Deely, Esq.
Christopher D. Weil, JTVCC