

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE : ID #2108013977, 2105005834,
 : 2011000526, 2103010029
 vs. :
 :
 IAN ALBURY :
 :

ORDER

Submitted: March 4, 2024

Decided: March 5, 2024

Now this 5th day of March, 2024, upon consideration of Mr. Albury's Motion for Postconviction Relief it appears to the Court:

- 1) The Defendant filed the instant motion stemming from a violation of probation (VOP) hearing on April 21, 2023, at which time he was represented by the Office of the Public Defender.
- 2) The Delaware Supreme Court has explained that "[b]ecause there is no constitutional right to counsel at a VOP hearing... [a defendant's] purported ineffective assistance of counsel claim... must fail."¹
- 3) Therefore, the Court must summarily **DISMISS** the Motion for Postconviction Relief.

IT IS SO ORDERED.

/s/ Mark H. Conner
Judge Mark H. Conner

oc: Prothonotary
cc: Stephen Smith, Esquire

¹ *Schoolfield v. State*, 73 A.3d 502 (Del. 2013).