## IN THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

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) ) ID No. 0002019767
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Submitted: May 6, 2013 Decided: June 20, 2013

On Appeal from Commissioner's Findings of Fact and Recommendations

## **DENIED**

## **ORDER**

This 20th day of June, 2013, the Court has considered: Commissioner's Report and Recommendation that Defendant's Motion for Postconviction Relief Should be Denied; Defendant Lindsey's Appeal from Commissioner's Findings of Fact and Recommendations; and State's Response to Defendant's Objections to Commissioner's Report and Recommendation. The Court also has reviewed such additional portions of the record as were necessary to evaluate Defendant's Appeal.

The Court holds that the Commissioner's Report and Recommendation decided April 18, 2013 should be approved for the reasons set forth in the Report.

The Commissioner's findings are not clearly erroneous, are not contrary to law, and are not an abuse of discretion.<sup>1</sup>

**THEREFORE,** Defendant's Motion for Postconviction Relief is hereby **DENIED.** 

IT IS SO ORDERED.

1s/ Mary M. Johnston

The Honorable Mary M. Johnston

<sup>&</sup>lt;sup>1</sup>Super. Ct. Crim. R. 62(a)(4)(iv).