

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
 Plaintiff,)
 v.)
)
 MARIANO CHECO,) Cr. ID. No. 9510005876
)
 Defendant.)
)

Submitted: December 21, 2015
Decided: January 7, 2016

Upon Commissioner’s Report and Recommendation that Defendant’s Motion for Postconviction Relief should be Denied.

ADOPTED

ORDER

This 7th day of January, 2016, the Court has considered the Commissioner’s Report and Recommendation.

On November 17, 2015, Defendant Mariano Checo 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.

The Commissioner issued the Report and Recommendation on December 8, 2015. The Commissioner recommended that Defendant's Motion for Postconviction Relief be denied.

"Within ten days after filing of a Commissioner's proposed findings of fact and recommendations . . . 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 December 8, 2015 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 accepts the Commissioner's Report and Recommendation in its entirety. Defendant's Motion for Postconviction Relief is hereby **DENIED**.

IT IS SO ORDERED.

/s/ Mary M. Johnston

The Honorable Mary M. Johnston

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).