

Amendments to Delaware Supreme Court Rule 26 and Superior Court Criminal Rule 61 Related to Court-Appointed Postconviction Counsel

The Delaware Supreme Court has amended its Rule 26 and the Superior Court has amended its Criminal Rule 61 to clarify the continuing obligations of a court-appointed postconviction lawyer if the Superior Court grants the lawyer's motion to withdraw as postconviction counsel.

The Superior Court has amended its Criminal Rule 61(e) to add a new subsection (6)(i), which specifies the obligations that the court-appointed lawyer owes to the client if the lawyer's motion to withdraw as counsel is granted before final disposition of the motion for postconviction relief. The Superior Court also has amended Rule 61(e) to add a new subsection (6)(ii), which specifies the obligations that the court-appointed lawyer owes to the client if the lawyer's motion to withdraw as counsel is granted simultaneously to the Superior Court's final disposition of the motion for postconviction relief.

The Supreme Court has amended its Rule 26 to clarify that, if the court-appointed postconviction lawyer is permitted to withdraw as counsel by the Superior Court, then the court-appointed counsel's continuing obligations to the client on appeal are limited to those duties set forth in Superior Court Criminal Rule 61(e)(6).

The Supreme Court and Superior Court rule amendments are available on the [Rules of the Delaware State Courts website](#).