

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

STATE OF DELAWARE,)	
)	
Plaintiff,)	
v.)	
)	
Jonatan Rodriguez,)	Cr. ID. No. 1112016434
)	
Defendant.)	
)	

Submitted: August 13, 2015
Decided: September 10, 2015

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

ADOPTED

ORDER

This 10th day of September, 2015, the Court has considered the Commissioner’s Report and Recommendation.

On February 14, 2014, Defendant Jonatan Rodriguez filed a *pro se* Motion for Postconviction Relief. Defendant subsequently was assigned counsel. Assigned counsel then filed a Motion to Withdraw as Postconviction Counsel pursuant to (pre-June 2014) Superior Court Criminal Rule 61(e)(2), (post-June 2014) Superior Court Criminal Rule 61(e)(6). The motions were 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 August 3, 2015. The Commissioner recommended that Defendant's Motion for Postconviction Relief be denied, and that Counsel's Motion to Withdraw be granted. "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 August 3, 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).