

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

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
DALE J. BOWEN,	)	Cr. ID. No. 0410015936
	)	
Defendant.	)	
	)	

Submitted: January 8, 2015  
Decided: February 17, 2015

Upon Commissioner’s Report and Recommendation That Defendant’s Motion for  
Postconviction Relief Should be Denied

**ADOPTED**

**ORDER**

This 17th day of February, 2015, the Court has considered the Commissioner’s Report and Recommendation, Defendant’s Motion for Postconviction Relief, and the relevant proceedings below.

On March 19, 2013, Defendant Dale Bowen filed a *pro se* motion for postconviction relief. Thereafter, Defendant was assigned counsel, and an Amended Motion for Postconviction Relief was filed on October 25, 2013. 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 January 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."<sup>1</sup> Neither party has filed written objections to the Commissioner's Report and Recommendation.

The Court holds that the Commissioner's Report and Recommendation dated January 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.<sup>2</sup>

**THEREFORE**, after careful and *de novo* review of the record in this action, the Court hereby adopts 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

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<sup>1</sup> Super. Ct. Crim. R. 62(a)(5)(ii).

<sup>2</sup> Super. Ct. Crim. R. 62(a)(4)(iv).