

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

STATE OF DELAWARE)	
)	
v.)	
)	
BRIAN SHANKIE,)	
)	I.D. # 1208020310
Defendant)	
)	
)	

Submitted: December 12, 2013
Decided: January 21, 2013

On Appeal from Commissioner’s Findings of Fact and Recommendations

GRANTED

ORDER

This 21st day of January, 2014, the Court has considered: Commissioner’s Report and Recommendation that Defendant’s Motion for Postconviction Relief Should be Granted; and the State’s Appeal from Commissioner’s Findings of Fact and Recommendations. The Court also has reviewed such additional portions of the record as were necessary to evaluate the State’s Appeal.

The Court holds that the Commissioner’s Report and Recommendation decided September 25, 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.¹

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

IT IS SO ORDERED

/s/ Mary M. Johnston

The Honorable Mary M. Johnston

¹ Super. Ct. Crim. R. 62(a)(4)(iv).