

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY**

STATE OF DELAWARE	:	
	:	
v. _____	:	ID. No. 1203011242
	:	
DARRYL L. WARNICK,	:	
	:	
Defendant.	:	

ORDER

On this 16th day of October, upon consideration of the Defendant’s Motion For Postconviction Relief, the Commissioner’s Report and Recommendation, and the record in this case, it appears that:

1. The Defendant, Darryl L. Warnick (“Warnick”), pled guilty on May 24, 2012, to two counts of Rape in the Second Degree Victim less than Twelve Years Old. He also faced forty additional counts of Rape in the Second Degree Victim less than Twelve Years Old, two counts of Child Abuse, two counts of Continuous Sexual Abuse of a Child, forty counts of Unlawful Sexual Contact in the Second Degree and two counts of Endangering the Welfare of a Child. *Nolle prosequis* were entered by the State on all but the two Rapes in the Second Degree Charges, in exchange for Warnick’s guilty plea. The Court sentenced Warnick, in accordance with the Plea Agreement, to thirty-three years incarceration, suspended for varying levels of probation after serving twenty-three years.

2. The Defendant did not appeal his conviction or sentence to the Delaware Supreme Court; instead he filed, *pro se*, the pending Motion For Postconviction Relief pursuant to Superior Court Criminal Rule 61 in which he alleges ineffective assistance of counsel. More particularly, he claims he was bribed by counsel to plead guilty, and his attorney failed to investigate mitigating evidence relevant to his

sentence. 3. The Court referred this motion to Superior Court Commissioner Andrea M. Freud pursuant to 10 *Del. C.* §512(b) and Superior Court Criminal Rule 62 for her to provide proposed findings of facts and conclusions of law.

4. The Commissioner filed her Report and Recommendation concluding that the Motion For Postconviction Relief should be denied, because it is procedurally barred and without merit.

5. No objections to the Report have been filed.

NOW, THEREFORE, after *de novo* review of the record in this action, and for reasons stated in the Commissioner's Report and Recommendation dated October 25, 2013,

IT IS ORDERED that the Commissioner's Report and Recommendation is adopted by the Court, and the Defendant's Motion for Postconviction Relief is **DENIED**.

/s/Jeffrey J Clark
Judge