

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

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
SHAWN BUNTING,	)	Cr. ID. No. 0407024013
	)	
Defendant.	)	
	)	

Submitted: April 7, 2014  
Decided: May 13, 2014

Commissioner’s Findings of Fact and Recommendations Upon Consideration of  
Defendant’s *Pro Se* Motion for Postconviction Relief Recommend Summary  
Dismissal

Commissioner’s Findings of Fact and Recommendations Upon Consideration of  
Defendant’s *Pro Se* Motion for Appointment of Counsel Denied

**ADOPTED**

**ORDER**

This 13th day of May, 2014, the Court has considered the Commissioner’s Findings of Fact and Recommendations, Defendant’s Motion for Postconviction Relief, Defendant’s Motion for Appointment of Counsel, and the relevant proceedings below.

On January 7, 2014, Defendant Shawn Bunting filed his third *pro se* Motion for Postconviction Relief and a Motion for Appointment of Counsel. 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 Findings of Fact and Recommendations on March 26, 2014. The Commissioner recommended that Defendant's Motion for Postconviction Relief be summarily dismissed. The Commissioner recommended that Defendant's Motion for Appointment of Counsel 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 an objection to either one of the Commissioner's Findings of Fact and Recommendations.

The Court holds that the Commissioner's Findings of Fact and Recommendations dated March 26, 2014, 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 Findings of Fact and Recommendations in their entirety. Defendant's Motion for Postconviction Relief

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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).

is hereby **SUMMARILY DISMISSED**. Defendant's Motion for Appointment of Counsel is hereby **DENIED**.

**IT IS SO ORDERED.**

*/s/ Mary M. Johnston*\_\_\_\_\_

The Honorable Mary M. Johnston