

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

STATE OF DELAWARE,)	
)	
Plaintiff,)	
v.)	
)	
ABEL O. MAYMI,)	Cr. ID. No. 0410014367
)	
Defendant.)	
)	

Submitted: April 7, 2014
Decided: May 21, 2014

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 21st day of May, 2014, the Court has considered the Commissioner’s Report and Recommendation, Defendant’s Motion for Postconviction Relief, Defense Counsel’s Motion to Withdraw as Postconviction Counsel, Defendant’s objections to the Commissioner’s Report and Recommendation, and the relevant proceedings below.

On April 2, 2013, Defendant Abel Maymi filed a *pro se* motion for postconviction relief. Subsequently, Defendant was assigned counsel. Assigned counsel then filed a Motion to Withdraw as Postconviction Counsel pursuant to

Superior Court Criminal Rule 61(e)(2). 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 March 27, 2014. 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 Defendant Maymi filed written objections on April 8, 2014. Upon review, the Court finds Defendant's objections to be without merit.

The Court holds that the Commissioner's Report and Recommendation dated March 27, 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.²

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**. Counsel's Motion to Withdraw is hereby **GRANTED**.

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).

IT IS SO ORDERED.

/s/ *Mary M. Johnston*

The Honorable Mary M. Johnston