

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

STATE OF DELAWARE,)	
)	
Plaintiff,)	
v.)	
)	
BRUCE J. CARR,)	Cr. ID. No. 82002234DI
)	
Defendant.)	
)	

Submitted: July 22, 2014
Decided: August 6, 2014

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

ADOPTED

ORDER

This 6th day of August, 2014, the Court has considered the Commissioner’s Findings of Fact and Recommendations, Defendant’s Motion for Postconviction Relief, Defendant’s objections to the Commissioner’s Findings of Fact and Recommendations, and the relevant proceedings below.

On December 26, 2013, Defendant Bruce J. Carr filed this *pro se* motion for postconviction relief. 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

Findings of Fact and Recommendations on July 10, 2014. 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."¹ Defendant Carr filed written objections on July 22, 2014. Upon review, the Court finds Defendant's conclusory objections—challenging the constitutionality of Rule 61(i)(1)—to be without merit.

The Court holds that the Commissioner's Findings of Fact and Recommendations dated July 10, 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 Findings of Fact and Recommendations 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

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).