

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)
)
 v.) ID#: 1304026571
)
KAHLIL D. LEWIS,)
)
 Defendant.)

Upon Commissioner’s Report and Recommendation that Defendant’s
Motion for Postconviction Relief should be denied and Rule 61
Counsel’s Motion to Withdraw should be granted

ADOPTED

ORDER

This 5th day of December, 2018, the Court having considered the
Commissioner’s Findings of Fact and Recommendations, it appears to the Court
that:

1. On July 26, 2017, Kahlil Lewis filed a timely *pro se* motion for
postconviction relief (the “Postconviction Motion”) and request for the
appointment of counsel. The Court appointed counsel and set a briefing schedule
for the postconviction proceedings. On July 9, 2018, Christopher S. Koyste,
Esquire (“Postconviction Counsel”) filed a Motion to Withdraw pursuant to
Superior Court Rule 61(e)(7) (the “Motion to Withdraw”). In the Motion to
Withdraw, Postconviction Counsel represented that there were no potential

meritorious grounds on which to seek postconviction relief. Although he was notified of the Motion to Withdraw, Lewis did not respond to that motion.

2. The Court referred the Postconviction Motion and Motion to Withdraw to a Superior Court Commissioner under 10 *Del. C.* § 512 and Superior Court Criminal Rule 62. On November 5, 2018, the Commissioner issued her findings of fact and recommendation (the “Report”). Under Rule 62, a party objecting to any portion of a Commissioner’s findings of fact and recommendations may serve and file written objections within 10 days of the report’s filing.¹ Although 30 days have passed since the Commissioner issued her Report, Lewis has not filed any objections. Lewis therefore has waived any objections to the Report.² Accordingly, the Court hereby adopts the Commissioner’s Report in its entirety. Defendant’s Postconviction Motion is **DENIED** and Postconviction Counsel’s Motion to Withdraw is **GRANTED**.

IT IS SO ORDERED.


Abigail M. LeGrow, Judge

Enclosures

Original to Prothonotary

cc: Kathryn S. Keller, Deputy Attorney General
Christopher S. Koyste, Esquire
Joseph Leager, Esquire
Kahlil Lewis, *pro se*, SBI# 00629845

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² *Maniscalco v. State*, 2017 WL 443725, at *2 (Del. Jan. 10, 2017).