

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	
)	ID No. 1802014360
v.)	
)	
MELVIN W. FINNEY)	
)	
Defendant.)	

Date submitted: September 2, 2025

Date decided: September 17, 2025

*Upon Commissioner's Report and Recommendation that Defendant's Motion for Postconviction Relief Should be Denied - **ADOPTED.***

*Upon Commissioner's Report and Recommendation that Defendant's Motion to be Exonerated Should be Denied - **ADOPTED.***

*Upon Commissioner's Report and Recommendation that Rule 61 Counsel's Motion to Withdraw Should be Granted - **ADOPTED***

ORDER

The Court having considered the Commissioner's Report and Recommendation, for the following reasons, it is **ADOPTED.**

1. On September 16, 2020, Defendant Melvin W. Finney ("Finney") filed a *pro se* Amended Motion for Postconviction Relief.¹ Finney filed a supplement to his amended motion on January 30, 2024 (together, the "Postconviction Motion"). On September 25, 2020, the Court appointed Rule 61 Counsel.² After a stay to allow

¹ D.I. 80.

² D.I. 84.

time for statements to be transcribed and an extension of time to file a further amended motion or a motion to withdraw, Rule 61 Counsel filed a Motion to Withdraw as Postconviction Counsel, pursuant to Rule 61(e)(6) on January 3, 2023 (“Motion to Withdraw”).³ On April 3, 2025, Finney filed a Motion to be Exonerated.⁴

2. The Court referred the motions to a Superior Court Commissioner under 10 *Del. C.* § 512 and Superior Court Criminal Rule 62.⁵

3. On August 18, 2025, the Commissioner issued her Report and Recommendation (the “Report”).⁶ The Commissioner recommended that the Court deny the Postconviction Motion and the Motion to be Exonerated and to grant the Motion to Withdraw. Under Rule 62, “[w]ithin 10 days after filing of a Commissioner’s proposed findings of fact and recommendations ..., any party may serve and file written objections the Commissioner’s order.”⁷ Accordingly, any objections had to be filed by September 2, 2025.⁸

4. No objections have been filed. Finney, therefore, waived his right to object to the Report.⁹ Accordingly, the Court hereby adopts the Commissioner’s

³ D.I. 96-97.

⁴ D.I. 134.

⁵ D.I. 112.

⁶ D.I. 135.

⁷ Super. Ct. Crim. R. 62(a)(5)(ii).

⁸ Because the period is less than 11 days, intervening weekends and holidays are excluded from the computation of time. Super. Ct. Crim. R. 45(a). September 1, 2025 was a legal holiday, so the time for filing objections was extended to September 2, 2025.

⁹ *State v. Williams*, 2019 WL 1983407, at *1 (Del. Super. Apr. 30, 2019).

Report in its entirety and Finney's Postconviction Motion and Motion to be Exonerated are **DENIED** and the Motion to Withdraw is **GRANTED**.

/s/Kathleen M. Miller
Kathleen M. Miller, Judge

IT IS SO ORDERED.

Original to Prothonotary
cc: Melvin W. Finney (SBI# 00183868)
Diana A. Dunn, Esq.
Benjamin S. Gifford, IV, Esq.
Ralph D. Wilkinson, Esq.