

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE	)	
	)	
v.	)	ID#: 1212015998 A & B
	)	
JOSHUA C. STEPHENSON,	)	
	)	
Defendant.	)	

Upon Commissioner's Report and Recommendation that Defendant's Sixth *Pro Se* Motion for Postconviction Relief and Motion for Appointment of Postconviction Counsel Should be Denied:

ADOPTED

ORDER

This 20th day of October, 2026, the Court having considered the Commissioner's Report and Recommendation,¹ it appears to the Court that:

1. On June 17, 2015, Defendant Joshua Stephenson was found guilty, after trial by jury, of several charges and sentenced to a term of imprisonment exceeding life in prison.²

2. On July 13, 2016, the Supreme Court of Delaware affirmed Defendant's conviction.³

¹ For purposes of this Order, the Court will cite to documents based on their docket number in criminal matter 1212015998A.

² D.I. 274 at 3 ("Report") (citing D.I. 85).

³ *Stephenson v. State*, 2016 WL 3568170 (Del. June 22, 2016).

3. Ultimately, on January 27, 2026, Defendant filed his sixth *pro se* motion for post-conviction relief and motion for appointment of postconviction counsel (the “Motion”).⁴ The Court referred the Motion to a Superior Court Commissioner pursuant to 10 *Del. C.* § 512 and Superior Court Criminal Rule 62.⁵

4. On August 28, 2026, the Commissioner issued his report and recommendation (the “Report”).⁶ The Commissioner recommended that the Court deny the Motion as procedurally barred. Under Superior Court Criminal 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.⁷

5. Defendant filed various letters in response to the Commissioner’s Report, the first of which was filed within 10 days of the initial report.⁸ Defendant’s submissions are largely incomprehensible, but it is clear that none of them provide a substantive basis for the Court to reject the Commissioner’s legal conclusions.

6. The Report explained that Defendant’s Motion is procedurally barred as being filed almost a decade after the Supreme Court affirmed Defendant’s

⁴ D.I. 259; D.I. 260.

⁵ D.I. 264.

⁶ Report.

⁷ Super. Ct. Crim. R. 62(a)(5)(ii).

⁸ D.Is. 276-285.

conviction and being a successive postconviction motion.⁹ The Report further explained that Defendant failed to show an exception to the procedural bars.¹⁰ Defendant failed to plead the existence of new evidence, instead identifying evidence known to him before trial.¹¹ Defendant failed to identify a new rule of constitutional law.¹²

7. Throughout his post-Report letters, Defendant's various arguments likewise fail to identify a new rule of constitutional law which is applicable to him or any new evidence undermining his conviction.¹³ In his post-Report letters, Defendant devotes particular attention to *Glossip v. Oklahoma*, but that case did not set forth a new rule of constitutional law which is applicable to Defendant's case.¹⁴ Therefore, it provides no basis for Defendant to overcome the procedural bars identified in the Report.

8. The Report recommended the Court deny Defendant's request for counsel because he cites to an inapplicable provision of Rule 61 and Defendant's Motion is procedurally barred.¹⁵ The Court agrees with the Report that Defendant has not shown a basis for the appointment of counsel.

⁹ Report at 13.

¹⁰ Report at 14.

¹¹ Report at 14.

¹² Report at 15.

¹³ D.Is. 276-285.

¹⁴ *Glossip v. Oklahoma*, 604 U.S. 226 (2025).

¹⁵ Report at 15.

9. Accordingly, the Court hereby adopts the Commissioner's Report in its entirety and Defendant's Motion is **DENIED**.

IT IS SO ORDERED.

/s/ Meghan A. Adams

Meghan A. Adams, Judge

Original to Prothonotary

Timothy McGuire, Esquire, Deputy Attorney General, Department of Justice, Wilmington, Delaware, Attorney for the State.

Joshua C. Stephenson, James T. Vaughn Correctional Center, Smyrna, Delaware, *pro se*.