

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**ORDER AMENDING RULE 61**

**OF THE**

**SUPERIOR COURT RULES OF CRIMINAL PROCEDURE**

This 1st day of February, 2014, **IT IS ORDERED** that:

- (1) Superior Court Criminal Rule 61 is amended by deleting subparagraph (e)(1) and by substituting in lieu thereof the following:

(e) *Appointment of Counsel.* (1) Order of appointment. The court will appoint counsel for an indigent movant's first timely postconviction proceeding. For an indigent movant's untimely first postconviction proceeding or an indigent movant's second or subsequent postconviction proceedings, the court will appoint counsel only in the exercise of discretion for good cause shown, but not otherwise. Unless the judge appoints counsel for a limited purpose, it shall be the duty of counsel to assist the movant in presenting any substantial ground for relief available to the movant. Upon entry of a final order in a postconviction proceeding, counsel's continuing duty shall be provided in Supreme Court Rule 26.

- (2) This amendment shall be effective on February 1, 2014 and shall apply to postconviction motions filed on or after that date.
- (3) An original of this Order shall be filed with the Prothonotary for each county.