

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

STATE OF DELAWARE,)	
)	
Plaintiff,)	
v.)	Cr. ID. No. 9902004516
)	
KLEON T. PULLER,)	IN99-04-0580R1
)	IN99-04-0581R1
Defendant.)	IN99-04-0582R1
)	

Submitted: July 11, 2014
Decided: August 21, 2014

Upon Commissioner’s Report and Recommendation that Defendant’s Motion for
Postconviction Relief Recommend Denial and Conflict Counsel’s Motion to
Withdraw Denied as Moot

ADOPTED

ORDER

This 21th day of August, 2014, the Court has considered the Commissioner’s Report and Recommendation.

On January 5, 2012, Defendant Kleon T. Puller filed a *pro se* motion for postconviction relief. This motion, and the subsequent motions, were 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.

Almost immediately after filing the motion for postconviction relief, Defendant filed a motion to stay the proceedings, which was granted on January 31, 2012. Defendant filed a motion to amend, which was granted on August 9, 2012, the same day the Stay was lifted. Assistant Public Defender Robert M Goff, Jr., Esquire, filed an affidavit of trial counsel on September 19, 2012, in response to the claims of Ineffective Assistance of Counsel. The State filed its response on October 26, 2012. Defendant was granted an enlargement of time to file his reply brief. On May 5, 2013, Defendant filed another Motion to Stay and for Appointment of Counsel. The Motion to Appoint Counsel was granted on July 11, 2013 and the briefing schedule was vacated. Subsequently, Defendant was assigned counsel. On October 1, 2013, assigned counsel filed a Motion to Withdraw as Postconviction Counsel pursuant to Superior Court Criminal Rule 61(e)(2). The Court notes the lengthy procedural history and finds that the Commissioner's actions are not an abuse of discretion.

The Commissioner issued the Report and Recommendation on July 8, 2014. The Commissioner recommended that Defendant's Motion for Postconviction Relief be denied, and that Counsel's Motion to Withdraw should be denied as moot. "Within ten days after filing of a Commissioner's proposed findings of fact and recommendations . . . any party may serve and file written objections."¹

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

Defendant filed objections to the Commissioner's Report and Recommendation on July 10, 2014. Upon review, the Court finds Defendant's objections to be without merit.

The Court holds that the Commissioner's Report and Recommendation dated July 8, 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, the Court hereby accepts the Commissioner's Report and Recommendation in its entirety.

IT IS SO ORDERED.

/s/ Mary M. Johnston _____

The Honorable Mary M. Johnston

² Super. Ct. Crim. R. 62(a)(4)(iv).