

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

STATE OF DELAWARE,)	
)	
Plaintiff,)	
v.)	
)	
ARTURO JUAREZ-VEGA,)	Cr. ID. No. 1410005413 MMJ
)	
Defendant.)	
)	

Submitted: October 18, 2016
Decided: January 12, 2017

Upon Commissioner's Report and Recommendation that
Defendant's Motion for Postconviction Relief Should be Denied and
Counsel's Motion to Withdraw Should be Granted

ADOPTED

ORDER

This 12th day of January, 2017, the Court has considered the Commissioner's Report and Recommendation.


On November 18, 2015, Defendant Arturo Juarez-Vega filed a *pro se* motion for postconviction relief. Subsequently, Defendant was assigned counsel. Assigned counsel then filed a Motion to Withdraw as Postconviction Counsel pursuant to Superior Court Criminal Rule 61(e)(2). The 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. The Commissioner issued the Report and Recommendation on October 18, 2016. The Commissioner recommended that Defendant's Motion for Postconviction Relief be denied, and that Counsel's Motion to Withdraw be granted. "Within ten days after filing of a Commissioner's proposed findings of fact and recommendations . . . any party may serve and file written objections."¹ Neither party has filed an objection to the Commissioner's Report and Recommendation.

The Court holds that the Commissioner's Report and Recommendation dated October 18, 2016, 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, after careful and *de novo* review of the record in this action, the Court hereby accepts the Commissioner's Report and Recommendation in its entirety.

IT IS SO ORDERED.



The Honorable Mary M. Johnston

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).