

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANZARA M. BROWN,	§	
	§	No. 548, 2007
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Kent County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0505004593
Appellee.	§	

Submitted: March 28, 2008

Decided: June 3, 2008

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 3rd day of June 2008, upon careful consideration of the briefs on appeal and the Superior Court record, it appears to the Court that:

(1) The appellant, Anzara M. Brown, filed this appeal from a September 25, 2007 order of the Superior Court denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We conclude that there is no merit to the appeal. Accordingly, we affirm.

(2) The record reflects that Brown was arrested in May 2005 and thereafter charged with various drug and criminal offenses, including trafficking in cocaine. On March 21, 2006, Brown pled guilty to one count of Possession with Intent to Deliver Cocaine. Brown also admitted that he was eligible for sentencing as a habitual

criminal pursuant to title 11, section 4214(a) of the Delaware Code. In exchange for Brown's guilty plea, the State agreed to nolle prosequere the remaining charges. The Superior Court sentenced Brown to three years minimum mandatory at Level V.

(3) On July 31, 2006, Brown filed a *pro se* motion for postconviction relief. Brown argued that his guilty plea should be considered involuntary due to his defense counsel's failure to challenge the existence of a search warrant and to move to suppress.

(4) The Superior Court referred Brown's motion to a Commissioner who issued a report and recommendation that Brown's claims were either procedurally barred or were without merit. After considering Brown's challenge to the Commissioner's report and recommendation, the Superior Court denied Brown's motion for postconviction relief. This appeal followed.

(5) The Court has carefully considered the parties' positions on appeal. It is manifest that the denial of postconviction relief should be affirmed on the basis of the Superior Court's decision of September 25, 2007 that adopted the Commissioner's well-reasoned report and recommendation.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice