

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARK B. HOWARD,	§	
	§	No. 153, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0611014197
Appellee.	§	

Submitted: June 11, 2013

Decided: July 19, 2013

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

**O R D E R**

This 19<sup>th</sup> day of July 2013, the Court has considered the parties' briefs and the record on appeal from the Superior Court's denial of the appellant's first motion for postconviction relief. In view of this Court's recent decision in *Holmes v. State*<sup>1</sup> and the Superior Court's adoption of a new rule regarding the appointment of counsel to defendants in first postconviction proceedings,<sup>2</sup> we have determined that this matter should be remanded to the Superior Court for the appointment of counsel, amended briefing, and reconsideration of the appellant's first motion for postconviction relief.

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<sup>1</sup> *Holmes v. State*, 2013 WL 2297072 (Del. May 23, 2013).

<sup>2</sup> Del. Super. Ct. Crim. R. 61(e) (effective May 6, 2013).

NOW, THEREFORE, IT IS HEREBY ORDERED that this matter is REMANDED to the Superior Court for further proceedings consistent with this Order. Jurisdiction is not retained.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice