

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JARREAU A. AYERS,	§
	§ No. 43, 2013
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID Nos. 1012006345 and
Plaintiff Below-	§ 1106014092
Appellee.	§

Submitted: June 7, 2013

Decided: June 24, 2013

Before **HOLLAND, BERGER,** and **JACOBS,** Justices

**ORDER**

This 24<sup>th</sup> day of June 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 light 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/ Carolyn Berger  
Justice