

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

STATE OF DELAWARE,)	
)	
Plaintiff,)	
v.)	
)	
MICHAEL IMWOLD,)	Cr. ID. No. 1506001972
)	
Defendant.)	
)	

Submitted: November 18, 2015
Decided: December 17, 2015

Upon Appeal from Commissioner’s Findings and Fact Recommendations
ADOPTED

ORDER

This 17th day of December, 2015, the Court has considered the Commissioner’s November 2, 2015 ruling.

On October 26, 2015, Defendant Michael Imwold filed a Motion to Dismiss. The motion was 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 heard argument on the Motion to Dismiss on November 2, 2015. The Commissioner denied Defendant’s Motion to Dismiss on the grounds that any delay was not so great as to warrant dismissal.

“Within ten days after filing of a Commissioner’s proposed findings of fact and recommendations . . . any party may serve and file written objections.”¹ On November 12, 2015, Defendant filed a timely objection, asserting unreasonable delay prior to indictment, that allegedly caused serious prejudice to Defendant.

The Court holds that the Commissioner’s November 2, 2015 ruling be adopted. The Commissioner’s findings are not clearly erroneous, are not contrary to law, and are not an abuse of discretion.² The Court finds that Defendant was not adversely affected, nor were his due process rights negatively impacted, by the State’s reasonable delay in indicting him.

THEREFORE, after careful and *de novo* review of the record in this action, the Court hereby accepts the Commissioner’s November 2, 2015 ruling in its entirety. Defendant’s Motion to Dismiss is hereby **DENIED**.

IT IS SO ORDERED this 17th day of December, 2015

/s/ Mary M. Johnston

The Honorable Mary M. Johnston

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).