

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)
) ID No. 1302015290
 v.) In and for Kent County
)
 JEMAL A. GREENE,)
)
 Defendant.)

ORDER

On this 11th day of July, 2016, upon consideration of the Defendant’s Motion For Postconviction Relief, the Commissioner’s Report and Recommendation and the record in this case, it appears that:

1. The Defendant, Jemal A. Greene (“Greene”), pled guilty on July 21, 2014, to two counts of Possession of a Firearm by a Person Prohibited, 11 *Del. C.* §1448(a)(9).¹ In exchange for Greene’s plea, the State entered a *nolle prosequis* on the remaining charges. The Court sentenced Greene, in accordance with the Plea Agreement, to eleven years incarceration suspended after six years, minimum mandatory, for probation.

2. The Defendant did not appeal his conviction or sentence to the Delaware Supreme Court; instead he filed, *pro se*, the pending Motion For Postconviction Relief pursuant to Superior Court Criminal Rule 61. In his motion the Defendant raises the following ground for relief: 1) ineffective assistance of counsel.

3. The Court referred this motion to Superior Court Commissioner Andrea M.

¹ Greene was a person prohibited, because he possessed the firearm while also possessing heroin, 11 *Del. C.* §1448(a)(9).

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Freud pursuant to 10 *Del. C.* §512(b) and Superior Court Criminal Rule 62 for proposed findings of facts and conclusions of law.

4. The Commissioner has filed a Report and Recommendation concluding that the Motion For Postconviction Relief should be denied, because it is procedurally barred and completely meritless.

5. The Defendant filed an Appeal from Commissioner's Report and Recommendation. The response does not advance his Motion for Postconviction Relief in any substantive way.

NOW, THEREFORE, after *de novo* review of the record in this action, and for reasons stated in the Commissioner's Report and Recommendation dated May 25, 2016,

IT IS ORDERED that the Commissioner's Report and Recommendation is adopted by the Court, and the Defendant's Motion for Postconviction Relief is *denied* as procedurally barred and meritless.

/s/ Robert B. Young
Judge

RBV/lmc
oc: Prothonotary
cc: The Honorable Andrea M. Freud
Jason C. Cohee, Esq.
Adam D. Windett, Esq.
Jemal Greene, JTVCC