

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
 Plaintiff,)
)
 v.) Cr. ID. No. 1308012601
)
 SEBASTIAN MICHEL,)
)
 Defendant.)

Submitted: August 23, 2016
Decided: November 30, 2016

Upon Commissioner’s Report and Recommendation on Defendant’s Motion for Appointment of Counsel and Motion for Postconviction Relief

ADOPTED

ORDER

This 30th day of November, 2016, the Court has considered the Commissioner’s Report and Recommendation, Defendant’s Motion for Appointment of Counsel, Defendant’s Motion for Postconviction Relief, and the relevant proceedings below.

On March 23, 2016, Defendant Sebastian Michel filed this *pro se* motion for Appointment of Counsel and Postconviction relief. 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 issued the Report and Recommendation on July 21, 2016. The Commissioner recommended that Defendant's Motions for Appointment of Counsel and Postconviction Relief be denied.

"Within ten days after filing of a Commissioner's proposed Report and Recommendation . . . any party may serve and file written objections."¹ Neither party has filed an objection to the Commissioner's Report and Recommendation.

The Court holds that the Commissioner's Report and Recommendation dated July 21, 2016, should be adopted for the reasons set forth therein. The Commissioner's findings are not clearly erroneous, are not contrary to law, and are not an abuse of discretion.²

THEREFORE, after careful and *de novo* review of the record in this action, the Court hereby adopts the Commissioner's Report and Recommendation in its entirety. Defendant's Motions for Appointment of Counsel and Postconviction Relief are hereby **DENIED**.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Mary M. Johnston", is written over a horizontal line.

The Honorable Mary M. Johnston

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).