

State v. Rogers
ID No. 1402002902
June 28, 2016

Agreement, to thirty-six years incarceration, suspended after nine 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 grounds for relief: 1) ineffective assistance of counsel; 2) suppression of favorable evidence; and 3) unfulfilled plea agreement.

3. The Court referred this motion to Superior Court Commissioner Andrea M. 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. No objections to the Report have been filed.

NOW, THEREFORE, after *de novo* review of the record in this action, and for reasons stated in the Commissioner's Report and Recommendation dated August 19, 2015,

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**.

/s/ Robert B. Young
J.

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RBV/lmc

oc: Prothonotary
cc: The Honorable Andrea M. Freud
Jason C. Cohee, Esq.
Kathleen K. Amalfiatno, Esq.
Ronald Rogers, JTVCC