

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE, )  
 )  
v. ) ID No. 1701002173  
 ) Cr. A. No. IN17-02-0117  
KADEEM ROSE )  
Defendant. )

Submitted: September 30, 2019  
Decided: October 18, 2019

**ORDER**

*Upon Defendant, Kadeem Rose’s, Motion for Postconviction Relief,*  
**DENIED.**

This 18th day of October, 2019, upon consideration of the Defendant Kadeem Rose’s *Pro Se* Motion for Postconviction Relief (D.I. 15), the Commissioner’s Report and Recommendation that Mr. Rose’s *Pro Se* Motion for Postconviction Relief should be **DENIED**, and the record in this case, it appears to the Court that:

(1) On April 17, 2017, a grand jury indicted Kadeem Rose for two counts of Possession of a Firearm by a Person Prohibited (“PFBPP”), Possession of Ammunition by a Person Prohibited (“PABPP”), Carrying a Concealed Deadly Weapon, Receiving a Stolen Firearm, two counts of Illegal Possession of a

Controlled Substance (or Counterfeit Controlled Substance), and Failure to Use a Turn Signal.<sup>1</sup>

(2) On July 31, 2017, Mr. Rose pleaded guilty to one count of PFBPP.<sup>2</sup> He was sentenced immediately to 15 years at Level V, suspended after five years for two years at Level III.<sup>3</sup> Mr. Rose did not appeal his conviction or sentence.

(3) In June 2018, Mr. Rose filed a timely *pro se* Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61.<sup>4</sup>

(4) After expansion of the record and the State's response, that motion was referred to Superior Court Commissioner Janine M. Salomone in accordance with 10 *Del. C.* § 512(b) and Superior Court Criminal Rule 62 for proposed findings of fact, conclusions of law, and recommendations for its disposition.

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<sup>1</sup> Indictment, *State v. Kadeem Rose*, ID No. 1701002173 (Del. Super. Ct. Apr. 17, 2017) (D.I. 6).

<sup>2</sup> Plea Agreement and TIS Guilty Plea Form, *State v. Kadeem Rose*, ID No. 1701002173 (Del. Super. Ct. Jul. 31, 2017) (D.I. 13).

<sup>3</sup> Sentencing Order, *State v. Kadeem Rose*, ID No. 1701002173 (Del. Super. Ct. Aug. 4, 2017) (D.I. 14).

<sup>4</sup> D.I. 15.

(5) The Commissioner docketed her Report and Recommendation on September 30, 2019.<sup>5</sup> The Commissioner recommended that Mr. Rose’s Motion for Postconviction Relief be denied.<sup>6</sup>

(6) “Within ten days after filing of a Commissioner’s proposed findings of fact and recommendations . . . any party may serve and file written objections.”<sup>7</sup> Neither Mr. Rose nor the State filed an “objection” to the Commissioner’s Report under Criminal Rule 62(a)(5)(ii).

(7) The Court accepts, in whole, the findings of fact and recommendations made by the Commissioner.<sup>8</sup> After a thorough review of the record in this case, the Court finds there is no constitutional or legal basis to doubt the validity of Mr. Rose’s conviction—his guilty plea was knowing, voluntary, and intelligent. Nor is there a doubt that Mr. Rose’s counsel was wholly effective when evaluating his case for potential suppression issues, when litigating the issues that counsel had a good faith basis to believe had merit, when negotiating a plea resolution, and when assisting Mr. Rose while entering his guilty plea. In short, it plainly appears from the motion

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<sup>5</sup> D.I. 15.

<sup>6</sup> *State v. Rose*, 2019 WL 4751525 (Del. Super. Ct. Sept. 30, 2019).

<sup>7</sup> Super. Ct. Crim. R. 62(a)(5)(ii).

<sup>8</sup> *Id.* at 62(a)(5)(iv).

and the record of prior proceedings that Mr. Rose is not entitled to postconviction relief.

**NOW THEREFORE**, after careful and *de novo* review of the record in this case, and for the reasons stated in the Commissioner's Report and Recommendation of September 30, 2019, Mr. Rose's Motion for Postconviction Relief is **DENIED**.

**SO ORDERED this 18<sup>th</sup> day of October, 2019.**



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**Paul R. Wallace, Judge**

Original to Prothonotary

cc: Hon. Janine M. Salomone  
Zachary D. Rosen, Deputy Attorney General  
Natalie S. Woloshin, Esquire  
Mr. Kadeem Rose, *pro se*