

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

STATE OF DELAWARE,)	
)	IK99-09-0494-R1
5.)	
)	
ALEXANDER M. ODOM,)	
ID No. 9909005059)	
)	
Defendant.)	

O R D E R

On this 23rd day of March, 2001, 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, Alexander M. Odom ("Odom"), pled guilty on January 31, 2000 to one count of Delivery of Cocaine, 16 *Del. C.* § 4751. Odom had also been charged with one count of Delivery of Cocaine within 1,000 Feet of a School, 16 *Del. C.* § 4767. If Odom had been convicted of both charges, he faced a substantial period of incarceration. Pursuant to a plea agreement, the State *nolle prossed* the remaining count. The Court sentenced Odom according to the Rule 11(e)(1)(c) plea agreement to twenty years incarceration suspended after fifteen years, minimum mandatory, followed by probation.

(2) The defendant did not appeal his conviction or sentence to the Delaware Supreme Court. Instead, he filed the pending motion for postconviction relief pursuant to Superior Court Criminal Rule 61.

(3) The matter was referred to the Court Commissioner for findings of fact and recommendation pursuant to 10 *Del. C.* § 512(b) and Superior Court Civil Rule

State v. Alexander M. Odom
ID No. 9909005059
March 23, 2001

132. The Commissioner has filed a Report and Recommendation recommending that the Court deny defendant's motion for postconviction relief. No objections to the Report have been filed.

NOW, THEREFORE, after careful and *de novo* review of the record in this action, and for the reasons stated in the Commissioner's Report and Recommendation dated March 5, 2001,

IT IS ORDERED that the thoughtful and well-reasoned Commissioner's Report and Recommendation is adopted by the Court and defendant's Motion for Postconviction Relief is *denied*.

Judge

dmh

oc: Prothonotary
xc: Hon. Andrea M. Freud
Marie O'Connor Graham, Esquire
Lloyd A. Schmid, Esquire
Mr. Alexander M. Odom, DCC
Order Distribution (w/Report & Recommendation)
File