

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES E. MELTON,	§	
	§	No. 457, 2013
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 1107021277
Appellee.	§	

Submitted: September 24, 2013  
Decided: November 20, 2013

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 20<sup>th</sup> day of November 2013, upon consideration of the appellant’s motion for appointment of counsel, the appellee’s response to the motion, and the appellant’s reply, it appears to the Court that:

(1) In this appeal from the Superior Court’s August 20, 2013 denial of the appellant’s first motion for postconviction relief under Superior Court Criminal Rule 61 (“Rule 61”), the appellant, James E. Melton, has moved for the appointment of counsel. In response to Melton’s motion, the appellee, State of Delaware, suggests that this matter be remanded to the Superior Court with directions to appoint counsel to represent Melton on an

amended postconviction motion or, in the alternative, that counsel be appointed to represent Melton on appeal.

(2) In reply to the State's response to his motion for appointment of counsel, Melton requests that this matter be remanded to the Superior Court for the appointment of counsel for the purpose of filing an amended motion for postconviction relief. Having considered the parties' positions, the Court agrees with the parties that this matter should be remanded to the Superior Court for the appointment of counsel, amended briefing, and reconsideration of Melton's first motion for postconviction relief.

NOW, THEREFORE, IT IS HEREBY ORDERED that this matter is REMANDED to the Superior Court for further proceedings consistent with this Order. Jurisdiction is not retained.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice