

3) On November 9, 2009, Defendant filed a motion to extend the time to file objections to the Commissioner's recommendation. This motion was not brought to the Court's attention until after the Court issued its November 17, 2009, Order adopting the Commissioner's recommendations and denying the motion for postconviction relief. On November 19, 2009, Defendant filed his objections to the Commissioner's recommendations. In the meantime, upon learning that Defendant had moved for additional time, the Court, by order dated December 2, 2009, vacated its November 17 Order, granted the Defendant's motion to extend time, and extended the Defendant's time to file objections until December 11, 2009.

4) On December 10, 2009, Defendant appealed this Court's November 17 order denying his motion for postconviction relief to the Supreme Court of Delaware.

5) By order dated January 6, 2010, the Supreme Court of Delaware remanded the matter to this Court to allow for consideration of Defendant's objections to the Commissioner's Report.

NOW THEREFORE, after careful and *de novo* review of the record in this action, including Defendant's November 19, 2009, objections to the Commissioner's Report, the Court remains satisfied that the Commissioner's

Report and Recommendations of October 29, 2009, should be adopted for the reasons stated therein. Defendant's objections to that report do nothing but restate the grounds for relief set forth in his initial motion and reply. The Commissioner correctly applied the appropriate legal standard to the Defendant's claims of ineffective assistance of counsel, and correctly developed a factual record from which to evaluate those claims. Accordingly, Defendant's Motion for Postconviction Relief is **DENIED**.

IT IS SO ORDERED.

Joseph R. Slights, III, Judge

c: Prothonotary – Original
The Honorable Michael P. Reynolds
John Barber, Esquire
Mr. Duane L. Rollins