

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY Q. GRIFFIN,	§
	§
Defendant Below,	§ No. 143, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1110002230
Plaintiff Below,	§
Appellee.	§

Submitted: August 19, 2013

Decided: August 29, 2013

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

ORDER

This 29th day of August 2013, upon consideration of the appellant's Supreme Court Rule 26(c) brief, his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) On November 12, 2012, the defendant-appellant, Gregory Griffin, pled guilty but mentally ill to one count of Murder in the Second Degree in the beating death of his girlfriend, Simone Robinson. Following a presentence investigation, the Superior Court sentenced Griffin to a period of forty-five years at Level V incarceration to be suspended after serving forty years in prison for a period of probation. This is Griffin's direct appeal.

(2) Griffin's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Griffin's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Griffin's attorney informed him of the provisions of Rule 26(c) and provided Griffin with a copy of the motion to withdraw and the accompanying brief. Griffin also was informed of his right to supplement his attorney's presentation. Griffin has not raised any issues for this Court's consideration. The State has responded to the position taken by Griffin's counsel and has moved to affirm the Superior Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief under Rule 26(c) is twofold: (a) this Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (b) this Court must conduct its own review of the record and determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.*

**Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).

(4) This Court has reviewed the record carefully and has concluded that Griffin's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Griffin's counsel has made a conscientious effort to examine the record and the law and has properly determined that Griffin could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Jack B. Jacobs
Justice