

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM BACON,

Defendant Below-  
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-  
Appellee.

§

§ No. 531, 2016

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

Submitted: March 13, 2017

Decided: March 24, 2017

Before VALIHURA, VAUGHN, and SEITZ, Justices.

**ORDER**

This 24<sup>th</sup> day of March 2017, upon consideration of the appellant's Supreme Court Rule 26(c) brief, his attorney's motion to withdraw, and the State's response, it appears to the Court that:

(1) In June 2016, a Superior Court jury found the defendant-appellant, William Bacon, guilty of Robbery in the First Degree and Assault in the Third Degree. The Superior Court sentenced Bacon to a total period of thirteen years at Level V incarceration, to be suspended after serving five years in prison for decreasing levels of supervision. This is Bacon's direct appeal.

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

(4) This Court has reviewed the record carefully and has concluded that Bacon's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Bacon's counsel has made a

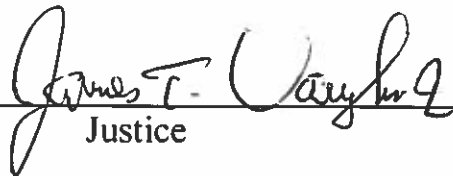
---

\**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).

conscientious effort to examine the record and the law and has properly determined that Bacon 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:

  
Justice