

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MAURICE M. MULLINS,	§
	§
Defendant Below-	§ No. 277, 2000
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN99-06-1576, -1577,
Plaintiff Below-	§ IN99-07-1148, and -1149
Appellee.	§

Submitted: October 18, 2000
Decided: October 30, 2000

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices.

ORDER

This 30th day of October 2000, 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) The defendant-appellant, Maurice M. Mullins, was convicted following a Superior Court bench trial of aggravated menacing, possession of a firearm during the commission of a felony, third degree assault, and intimidation. The charges stemmed from Mullins' assault on his then-girlfriend, who testified at trial concerning the incident. The Superior Court sentenced Mullins to a total of four years in jail followed by four years of decreasing levels of probation. This is Mullins' direct appeal.

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

(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 Mullins' appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Mullins' counsel has made a conscientious effort to examine the record and the law and has properly determined that Mullins 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/ Myron T. Steele
Justice