

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEROME ANTHONY CARTER,	§
	§ No. 150, 2005
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0404012434
	§
Plaintiff Below-	§
Appellee.	§

Submitted: October 13, 2005  
Decided: December 8, 2005

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 8<sup>th</sup> day of December 2005, upon consideration of the appellant’s brief filed pursuant to Supreme Court Rule 26(c), his attorney’s motion to withdraw, and the State’s response thereto, it appears to the Court that:

(1) The defendant-appellant, Jerome Anthony Carter, was found guilty by a Superior Court jury of Robbery in the First Degree, Conspiracy in the Second Degree, Criminal Impersonation, Resisting Arrest, and Forgery in the Third Degree. He was sentenced to a total of 6 years incarceration at Level V, to be suspended after 3 years for decreasing levels of probation. This is Carter’s direct appeal.

(2) Carter's trial counsel has filed a brief and a motion to withdraw pursuant to Rule 26(c). 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) the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for claims that could arguably support the appeal; and (b) the 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.<sup>1</sup>

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

(4) This Court has reviewed the record carefully and has concluded that Carter's appeal is wholly without merit and devoid of any arguably

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<sup>1</sup> *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).

appealable issue. We also are satisfied that Carter's counsel has made a conscientious effort to examine the record and the law and has properly determined that Carter 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/Henry duPont Ridgely  
Justice