

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LOUIS LLANOS,	§
	§
Defendant Below-	§ No. 141, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. No. IN04-07-0802
Plaintiff Below-	§ Cr. ID 0407003953
Appellee.	§

Submitted: October 14, 2005

Decided: December 15, 2005

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

ORDER

This 15th day of December 2005, 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) The defendant-appellant, Louis Llanos, was convicted following a Superior Court bench trial of second degree assault. The Superior Court sentenced Llanos to eight years at Level V imprisonment to be suspended after serving two years for decreasing levels of supervision. At trial, Llanos did not deny beating the victim but claimed that he did so in defense of his family. This is Llanos' direct appeal.

(2) Llanos' counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Llanos' counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Llanos' attorney informed him of the provisions of Rule 26(c) and provided Llanos with a copy of the motion to withdraw and the accompanying brief. Llanos also was informed of his right to supplement his attorney's presentation. Llanos has not raised any issues for this Court's consideration. The State has responded to the position taken by Llanos' 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 Llanos' appeal is wholly without merit and devoid of any arguably

* *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 Llanos' counsel has made a conscientious effort to examine the record and the law and has properly determined that Llanos 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