

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR THE NEW CASTLE COUNTY

JAMES LEZOTTE,)	
)	
Appellant,)	ID No. 0707012072
)	
v.)	
)	
STATE OF DELAWARE,)	
)	
Appellee.)	

Submitted: February 17, 2009
Decided: March 31, 2009

Appeal from the Court of Common Pleas of the State of Delaware

ORDER

Regina E. Gray, Esquire, Attorney for Appellant

Andrew Vella, Esquire, Department of Justice, Attorney for Appellee

JOHNSTON, J.

This 31st day of March 2009, upon consideration of the appellant's brief filed pursuant to Supreme Court Rule 26(c), it appears to the Court that:

1. On November 14, 2007, in the Court of Common Pleas of the State of Delaware, in and for New Castle County, after a one-day jury trial, the defendant-appellant, James Lezotte, was found guilty of Disorderly Conduct and Harassment. Lezotte was sentenced on the Disorderly Conduct conviction to 30 days at Level V suspended. On the conviction for Harassment, Lezotte was sentenced to 6 months at Level V, suspended for 1 year at Level II probation. This is Lezotte's direct appeal.

2, Lezotte's trial counsel filed a motion to withdraw pursuant to Rule 26(c) which the Superior Court granted on December 11, 2008.¹ Lezotte's counsel states that he informed Lezotte 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. Although informed of his right to supplement his counsel's presentation, Lezotte has not filed any

¹ On December 17, 2008, the Court granted Lezotte 60 days in which to obtain private counsel and to supplement the briefing on appeal.

document or raised any issues for this Court's consideration.² Therefore, the Court will decide based upon the current filings.

3. At trial, Lezotte did not testify in his own defense or provide any other evidence or witnesses. The evidence consisted entirely of witness testimony presented by the State. There were no objections made through the course of the trial.

4. The Court has reviewed the record carefully and has concluded that Lezotte's appeal is wholly without merit and devoid of any arguably appealable issue.

THEREFORE, IT IS ORDERED that the judgment of the Court of Common Pleas is hereby **AFFIRMED**.

The Honorable Mary M. Johnston

² On October 9, 2008, Lezotte stated that he did not want the Public Defender's Office to file his appeal and instead had retained Andrew Witherell, Esq. to appeal his conviction. Lezotte's counsel contacted Mr. Witherell, who indicated that he was not representing the defendant in this matter and that he previously had advised the defendant to allow the Public Defender's Office to represent him.