

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GARY A. CRAWFORD,	§	
	§	No. 530, 2001
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware,
v.	§	in and for Kent County in
	§	IK01-01-0168, IK00-12-0243,
STATE OF DELAWARE,	§	0244.
	§	
Plaintiff Below,	§	
Appellee.	§	Def. ID No. 0011014806

Submitted: May 9, 2002

Decided: June 13, 2002

Before **HOLLAND, BERGER** and **STEELE**, Justices.

ORDER

This 13th day of June 2002, 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) In June 2001, the defendant-appellant, Gary A. Crawford, pleaded guilty to one count of Rape in the Third Degree, as a lesser-included offense of Rape in the First Degree, and two counts of Sexual Exploitation of a Child. After a pre-sentence investigation, Crawford was sentenced, on September 26, 2001, to a total of thirty years at Level V, suspended after nine years, followed

by eighteen months at Level IV work release, one year at Level III and two years at Level II. This appeal followed.

(2) On appeal, Crawford's 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 two-fold. First, 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. Second, the Court must conduct its own review of the record and determine whether the appeal is so devoid of at least arguably appealable issues that it can be decided without an adversary presentation.*

(3) Crawford's counsel asserts that, based upon a careful and complete examination of the record, there are no arguably appealable issues. By letter, Crawford's counsel informed Crawford of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw and the accompanying brief. Crawford was also informed of his right to supplement his attorney's presentation. Crawford did not submit any points for this Court to consider.

**Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 428, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).

The State has responded to the position taken by Crawford's counsel and has moved to affirm the Superior Court's judgment.

(4) This Court has reviewed the record carefully and has concluded that Crawford's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Crawford's counsel has made a conscientious effort to examine the record and the law and has properly determined that Crawford 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.

BY THE COURT:

/s/ Carolyn Berger
Justice