

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IBNAMIN HASSAN,	§	
	§	No. 724, 2009
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware in
v.	§	and for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0905024606
Appellee.	§	

Submitted: May 26, 2010

Decided: June 24, 2010

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

ORDER

This 24th day of June 2010, upon consideration of the appellant’s brief filed pursuant to Supreme Court Rule 26(c) (“Rule 26(c)”), his attorney’s motion to withdraw, and the State’s response, it appears to the Court that:

(1) Following a Superior Court jury trial held on November 4 and 5, 2009, the appellant, Ibnamin Hassan, was found guilty, as charged, of Burglary in the Second Degree, Conspiracy in the Second Degree, Assault in the Third Degree, Offensive Touching and Misdemeanor Criminal Mischief. On December 11, 2009, the Superior Court sentenced Hassan to a total of seven years at Level V, one year minimum mandatory, suspended after thirty

months for six months at Level IV followed by probation. This appeal followed.

(2) On appeal, Hassan’s defense counsel (“Counsel”) has filed a brief and a motion to withdraw pursuant to Rule 26(c). The standard and scope of review of a motion to withdraw and an accompanying brief under Rule 26(c) is two-fold. First, the Court must be satisfied that Counsel has made a conscientious examination of the record and the law for claims that could arguably support the appeal.¹ 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.²

(3) Counsel asserts that, based upon a careful and complete examination of the record, there are no arguably appealable issues. Counsel states that he provided Hassan with a copy of the motion to withdraw and the accompanying brief and appendix. Counsel also asked Hassan to submit any issues that Hassan sought to raise on appeal. Hassan has not raised any issues for this Court’s consideration. The State has responded to the position taken by Counsel and has moved to affirm the Superior Court’s judgment.

¹ *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).

² *Id.*

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