

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRADLEY RAYMOND,	§
	§
Defendant Below-	§ No. 118, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0906013905
Plaintiff Below-	§
Appellee.	§

Submitted: July 21, 2010
Decided: August 2, 2010

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

ORDER

This 2nd day of August 2010, 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, Bradley Raymond, pled guilty to escape after conviction and resisting arrest on December 1, 2009. The Superior Court sentenced Raymond as a habitual offender to a total period of nine years at Level V incarceration to be suspended after serving eight years for six months at Level III probation. This is Raymond's direct appeal.

(2) Raymond's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Raymond's counsel asserts that, based

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

* *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).

conscientious effort to examine the record and the law and has properly determined that Raymond 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/ Carolyn Berger
Justice