

IN THE SUPREME COURT OF THE STATE OF DELAWARE

COREY R. BOWERS,	§	
	§	No. 209, 2010
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. 0807041153
Appellee.	§	

Submitted: September 28, 2010

Decided: October 19, 2010

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

ORDER

This 19th day of October 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) On March 18, 2010, a Superior Court jury found the appellant, Corey Bowers, guilty of Robbery in the First Degree. Bowers was sentenced to eight years at Level V, suspended after three years minimum mandatory, for two years at Level III. This is Bowers’ direct appeal.

(2) On appeal, Bowers’ defense counsel (“Counsel”) has filed a brief and a motion to withdraw pursuant to Rule 26(c). Counsel asserts that,

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

(3) 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

(4) In this case, the Court has reviewed the record carefully and has concluded that Bowers' appeal is wholly without merit and devoid of any arguably appealable issue. We are satisfied that Counsel made a

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.*

conscientious effort to examine the record and the law and properly determined that Bowers 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