

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROLAND GRIFFIN,	§
	§
Defendant Below-	§ No. 321, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0911002315
Plaintiff Below-	§
Appellee.	§

Submitted: November 10, 2010
Decided: November 24, 2010

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

ORDER

This 24th day of November 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, Roland Griffin, pled guilty on May 3, 2010 to one count of failure to register/re-register as a sex offender. The Superior Court immediately sentenced Griffin to a period of nine months at Level V incarceration with credit for 102 days previously served. This is Griffin's direct appeal.

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

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