

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL T. JACKSON,	§	
	§	No. 577, 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. 0911000034
Appellee.	§	

Submitted: February 10, 2011
Decided: March 31, 2011

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

ORDER

This 31st day of March 2011, 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, it appears to the Court that:

(1) On May 13, 2010, the appellant, Michael T. Jackson, went to trial on four charges: Possession of a Deadly Weapon by a Person Prohibited, Possession of Ammunition by a Person Prohibited, Carrying a Concealed Deadly Weapon, and Criminal Impersonation. The jury found Jackson guilty of all charges. On August 27, 2010, the Superior Court sentenced Jackson to a total of nineteen years at Level V suspended after

four years for five years at Level IV suspended after one year for Level III probation. This is Jackson's direct appeal.

(2) Jackson's appellate counsel ("Counsel")¹ has filed a brief and a motion to withdraw pursuant to Supreme Court Rule 26(c) ("Rule 26(c)").² Counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. Counsel also reports that Jackson did not submit any points for the Court's consideration.³ The State has moved to affirm the Superior Court's judgment.

(3) When reviewing a motion to withdraw and an accompanying brief under Rule 26(c), the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims.⁴ The Court must also 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.⁵

(4) In this case, the Court has reviewed the record carefully and has concluded that Jackson's appeal is wholly without merit and devoid of any

¹ Jackson was represented by different counsel at trial.

² See Del. Supr. Ct. R. 26(c) (governing criminal appeals without merit).

³ The record reflects that Counsel provided Jackson, as required, with a copy of the motion, the brief and appendix, and a letter explaining that Jackson had a right to submit written points for the Court's consideration. *Id.*

⁴ *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).

⁵ *Id.*

arguably appealable issue. We are satisfied that Counsel made a conscientious effort to examine the record and the law and properly determined that Jackson could not raise a meritorious claim on 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/ Jack B. Jacobs
Justice