

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PARIS BOYER,	§
	§
Defendant Below-	§ No. 125, 2011
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 1006021887
Plaintiff Below-	§
Appellee.	§

Submitted: June 29, 2011

Decided: July 12, 2011

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

ORDER

This 12th day of July 2011, 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) On February 14, 2011, the defendant-appellant, Paris Boyer, pled guilty to three counts of theft of a motor vehicle, second degree conspiracy, theft of a firearm, possession of a firearm by a person prohibited, resisting arrest, and misdemeanor theft. The Superior Court immediately sentenced Boyer to a period of twenty-four years at Level V incarceration to be suspended after serving three years in prison for decreasing levels of supervision, all of which was deferred for Boyer's successful completion of

the boot camp diversion program followed by six months at Level IV work release or home confinement to be followed by one year at Level III probation. This is Boyer's direct appeal.

(2) Boyer's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Boyer's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Boyer's attorney informed him of the provisions of Rule 26(c) and provided Boyer with a copy of the motion to withdraw and the accompanying brief. Boyer also was informed of his right to supplement his attorney's presentation. Boyer has not raised any issues for this Court's consideration. The State has responded to the position taken by Boyer'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 Boyer's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Boyer's counsel has made a conscientious effort to examine the record and the law and has properly determined that Boyer 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/ Jack B. Jacobs
Justice

* *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).