

IN THE SUPREME COURT OF THE STATE OF DELAWARE

OMAR D. ALEXANDER,	§	
	§	No. 620, 2013
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware in
v.	§	and for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 1302017027
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: March 17, 2014

Decided: April 22, 2014

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

ORDER

This 22nd day of April 2014, upon consideration of the appellant’s brief filed pursuant to Supreme Court Rule 26(c), his defense counsel’s motion to withdraw, and the State’s response, it appears to the Court that:

(1) On July 18, 2013, a Superior Court jury found the appellant, Omar D. Alexander, guilty as charged of Disregarding a Police Officer’s Signal, Resisting Arrest, Driving a Vehicle While License is Suspended or Revoked, Reckless Driving, and Failure to Use a Turn Signal. After a limited presentence investigation, the Superior Court sentenced Alexander, on October 18, 2013, as follows: ninety days mandatory at Level V plus a fine for Disregarding a Police Officer’s Signal; one year at Level V

suspended for one year at Level III plus a fine for Resisting Arrest; thirty days at Level V suspended for six months at Level III plus a fine for Driving while License Suspended or Revoked, and fines for Reckless Driving and Failure to Signal. This is Alexander's direct appeal.

(2) On appeal, Alexander's defense counsel has filed a brief and a motion to withdraw pursuant to Supreme Court Rule 26(c) ("Rule 26(c)").¹ Defense counsel claims that, based upon a complete and careful examination of the record, there are no arguably appealable issues. Defense counsel further reports that Alexander did not submit any points for the Court's consideration.² 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 the appellant's defense counsel has made a conscientious examination of the record for any arguable claim.³ The Court must also conduct its own review of the record

¹ See DEL. SUPR. CT. R. 26(c) (governing criminal appeals without merit).

² The record reflects that defense counsel provided Alexander, as required, with a copy of the motion to withdraw, the brief in draft form and appendix, and a copy of the trial transcript, with a letter explaining that Alexander had a right to submit written points for the Court's consideration. *See Id.*

³ *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).

to determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.⁴

(4) The Court has reviewed the record carefully and has concluded that Alexander's appeal is wholly without merit and devoid of any arguably appealable issue. We are satisfied that Alexander's defense counsel made a conscientious effort to examine the record and the law and properly determined that Alexander 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

⁴ *Id.*