

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHNESHA BAILEY,	§
	§ No. 52, 2017
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 1606012504 (N)
Plaintiff Below-	§
Appellee.	§

Submitted: July 20, 2017
Decided: August 7, 2017

Before VALIHURA, VAUGHN, and SEITZ, Justices.

ORDER

This 7th day of August 2017, upon consideration of the appellant’s Supreme Court Rule 26(c) brief, her attorney’s motion to withdraw, and the State’s response, it appears to the Court that:

(1) In January 2017, a Superior Court jury found the appellant, Johnesha Bailey, guilty of Insurance Fraud and Felony Theft. The Superior Court sentenced her a total period of two years at Level V incarceration, to be suspended immediately for probation. This is Bailey’s direct appeal.

(2) Bailey’s counsel on appeal has filed a brief and a motion to withdraw under Rule 26(c). Bailey’s counsel asserts that, after a complete and careful examination of the record, there are no arguably appealable issues.

By letter, Bailey's attorney informed her of the provisions of Rule 26(c) and provided Bailey with a copy of the motion to withdraw and the accompanying brief. Bailey also was informed of her right to supplement her attorney's presentation. Bailey has not raised any issues for this Court's consideration. The State has responded to the position taken by Bailey'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.*

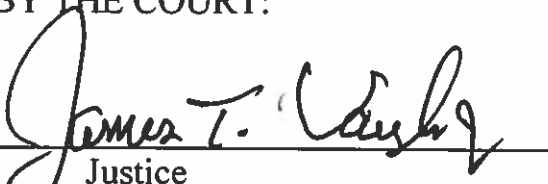
(4) This Court has reviewed the record carefully and has concluded that Bailey's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Bailey's counsel has made a conscientious effort to examine the record and the law and has properly determined that Bailey could not raise a meritorious claim in this appeal.

**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).

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:


Justice