IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDRE C. PETERS,	§	
	§	
Defendant Below-Appellant,	§	No. 366, 2011
	§	
	§	
v.	§	Court Below—Superior Court
	§	of the State of Delaware, in and
STATE OF DELAWARE,	§	for New Castle County
	§	Cr. ID 1007020835
Plaintiff Below-Appellee.	§	
	§	

Submitted: December 5, 2011
Decided: December 13, 2011

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

O R D E R

This 13th day of December, 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) A Superior Court jury convicted the defendant-appellant, Andre Peters, of three counts of first degree robbery, four counts of possession of a firearm during the commission of a felony, and one count each of first degree burglary and second degree conspiracy. On July 15, 2011, the Superior Court sentenced Peters to a total period of thirty years at Level V incarceration to be suspended after serving twenty-three years for decreasing levels of supervision. This is Peters' direct appeal.

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

[*] *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).

appealable issue. We also are satisfied that Peters' counsel has made a conscientious effort to examine the record and the law and has properly determined that Peters 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