

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EMMANUEL ROBINSON,	§	
	§	No. 174, 2004
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of
	§	the State of Delaware, in and for
v.	§	New Castle County
	§	
STATE OF DELAWARE,	§	No. 0210009188
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: April 12, 2005
Decided: May 3, 2005

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 3rd day of May 2005, on consideration of the briefs of the parties, it appears to the Court that:

(1) The defendant-appellant, Emmanuel Robinson and co-defendants, Mustafa Whitfield and Akeem Coleman, were jointly indicted on the following charges: (i) attempted robbery in the first degree; (ii) assault in the second degree; (iii) reckless endangering in the first degree; (iv) wearing a disguise during the commission of a felony; (v) conspiracy in the second degree; (vi) possession of a deadly weapon by a person prohibited (“PDWPP”); and (vii) three counts of possession of a firearm during the commission of a felony (“PFDCF”). Following a joint jury trial, all of the

defendants were convicted on all of the charges except for one count of PFDCF and PDWPP, as to which all defendants were found not guilty.

(2) In support of his direct appeal, Robinson argues that the trial court erred in denying his motion for acquittal. He contends that the offenses of reckless endangering in the first degree, assault in the second degree and the accompanying weapons charges are “included” in the offense of attempted robbery in the first degree and did not constitute separate offenses. In footnote 2 of his opening brief, Robinson acknowledges that his argument was previously raised by co-defendants Whitfield and Coleman in their respective direct appeals. This argument has been rejected by this Court in both of the co-defendants’ direct appeals.¹ We find no reason not to follow our prior holdings. We therefore reject Robinson’s appellate argument on the basis of our reasoning in *Whitfield*.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgments of conviction against Emmanuel Robinson entered by the Superior Court are AFFIRMED.

BY THE COURT:

 /s/ Henry duPont Ridgely
Justice

¹ *Whitfield v. State*, 2004 Del. LEXIS 586; *Coleman v. State*, 2005 Del. LEXIS 146.