

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEROME ANTHONY CARTER,	§
	§
Defendant Below-	§ No. 151, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID. 0403014614
Plaintiff Below-	§
Appellee.	§

Submitted: August 23, 2005
Decided: October 4, 2005

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

ORDER

This 4th day of October 2005, 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) The defendant-appellant, Jerome Carter, was convicted by a Superior Court jury of one count of possession of a deadly weapon by a person prohibited and one count of false reporting. The Superior Court sentenced Carter to a total period of four years at Level V incarceration to be suspended after serving six months for decreasing levels of supervision. This is Carter's direct appeal.

(2) Carter's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Carter's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Carter's attorney informed him of the provisions of Rule 26(c) and provided Carter with a copy of the motion to withdraw and the accompanying brief. Carter also was informed of his right to supplement his attorney's presentation. Carter has not raised any issues for this Court's consideration. The State has responded to the position taken by Carter'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 Carter's 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 Carter's counsel has made a conscientious effort to examine the record and the law and has properly determined that Carter 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