

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LASHAWNDA JONES,	§
	§ No. 72, 2012
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 1012007062
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 26, 2012

Decided: July 10, 2012

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

ORDER

This 10th day of July 2012, upon consideration of the appellant’s brief filed pursuant to Supreme Court Rule 26(c), her attorney’s motion to withdraw, and the State’s response thereto, it appears to the Court that:

(1) The defendant-appellant, Lashawnda Jones, pleaded guilty to Robbery in the First Degree, Robbery in the Second Degree and Conspiracy in the Second Degree. On the first degree robbery conviction, she was sentenced to 20 years of Level V incarceration, to be suspended after 10 years for 8 months at Level IV and 2 years at Level III probation. On the second degree robbery conviction, she was sentenced to 5 years at Level V, to be suspended after 3 years for 2 years of concurrent Level III probation.

On the conspiracy conviction, she was sentenced to 2 years at Level V, to be suspended for 1 year of concurrent Level III probation. This is Jones's direct appeal.

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

to determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.¹

(4) This Court has reviewed the record carefully and has concluded that Jones's appeal is wholly without merit and devoid of any arguably appealable issues. We also are satisfied that Jones's counsel has made a conscientious effort to examine the record and the law and has properly determined that Jones 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/ Myron T. Steele
Chief Justice

¹ *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).