

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHMAAR HARRIS,

Defendant Below,  
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,  
Appellee.

§

§ No. 554, 2016

§

§

§ Court Below—Superior Court  
§ of the State of Delaware

§

§ Cr. ID No. 1602009724

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§

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Submitted: March 13, 2017

Decided: March 30, 2017

Before VALIHURA, VAUGHN, and SEITZ, Justices.

**ORDER**

This 30<sup>th</sup> day of March 2017, upon consideration of the appellant's Supreme Court Rule 26(c) brief, the State's response, and the record below, it appears to the Court that:

(1) On August 5, 2016, the appellant, Shmaar Harris, pled guilty to Drug Dealing (Tier 2) and Criminal Impersonation. Harris was sentenced as follows: (i) for Drug Dealing (Tier 2), effective February 14, 2016, fifteen years of Level V incarceration, suspended after three years and six months for decreasing levels of supervision; and (ii) for Criminal Impersonation, one year of Level V incarceration, suspended for six months of Level III probation. This is Harris' direct appeal.

(2) On appeal, Harris' counsel ("Counsel") filed a brief and a motion to withdraw under Supreme Court Rule 26(c). Counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. Counsel informed Harris of the provisions of Rule 26(c) and provided Harris with a copy of the motion to withdraw and the accompanying brief.

(3) Counsel also informed Harris of his right to identify any points he wished this Court to consider on appeal. Harris has not raised any issues for this Court's consideration. The State has responded to the Rule 26(c) brief and has moved to affirm the Superior Court's judgment.

(4) When reviewing a motion to withdraw and an accompanying brief under Rule 26(c), this Court must: (i) be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (ii) 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.<sup>1</sup>

(5) This Court has reviewed the record carefully and has concluded that Harris' appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Counsel has made a conscientious effort to

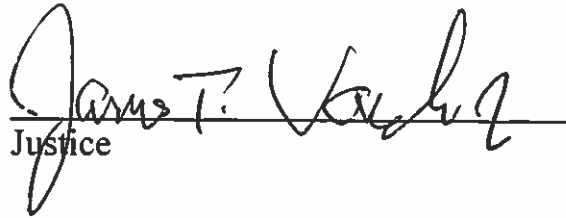
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<sup>1</sup> *Penon v. Ohio*, 488 U.S. 75, 83 (1988); *Leacock v. State*, 690 A.2d 926, 927-28 (Del. 1996).

examine the record and the law and has properly determined that Harris could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

  
Justice