IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID I. REYNOLDS,	§	
	§	No. 93, 2012
Defendant Below,	§	
Appellant,	§	Court Below-Superior Court
	§	of the State of Delaware in
V.	§	and for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 1108008814
Appellee.	§	

Submitted: August 6, 2012 Decided: October 18, 2012

Before STEELE, Chief Justice, HOLLAND and JACOBS, Justices.

ORDER

This 18th day of October 2012, upon consideration of the appellant's brief filed pursuant to Supreme Court Rule 26(c), his attorney's motion to withdraw, and the State's response, it appears to the Court that:

(1) On February 17, 2012, a Superior Court jury found the appellant, David I. Reynolds, guilty of Robbery in the Second Degree and Offensive Touching. Reynolds was immediately sentenced to a total of five years and ten days suspended after fifteen months followed by six months at Level IV and eighteen months at Level III. This is Reynolds' direct appeal.

- (2) Reynolds' appellate counsel ("Counsel")¹ has filed a brief and a motion to withdraw pursuant to Supreme Court Rule 26(c) ("Rule 26(c)").² Counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. Counsel also reports that Reynolds did not submit any points for the Court's consideration.³ The State has moved to affirm the Superior Court's judgment.
- (3) When reviewing a motion to withdraw and an accompanying brief under Rule 26(c), the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims.⁴ The Court must also 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.⁵
- (4) In this case, the Court has reviewed the record carefully and has concluded that Reynolds' appeal is wholly without merit and devoid of any arguably appealable issue. We are satisfied that Counsel made a

¹ Reynolds was represented by different counsel at trial.

² See Del. Supr. Ct. R. 26(c) (governing criminal appeals without merit).

³ The record reflects that Counsel provided Reynolds, as required, with a copy of the motion, the brief and appendix, and a letter explaining that Reynolds had a right to submit written points for the Court's consideration. *Id.*

⁴ 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).

⁵ Id.

conscientious effort to examine the record and the law and properly determined that Reynolds could not raise a meritorious claim on 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/ Randy J. Holland

Justice