

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANGEL GALINDEZ,	§
	§
Defendant Below,	§ No. 372, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1204000598
Plaintiff Below,	§
Appellee.	§

Submitted: December 20, 2013

Decided: January 30, 2014

Before **BERGER, JACOBS,** and **RIDGELY,** Justices.

**ORDER**

This 30<sup>th</sup> day of January 2014, 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) A Superior Court jury convicted the defendant-appellant, Angel Galindez, of two counts of Robbery in the First Degree and one count of Conspiracy in the Second Degree. The Superior Court sentenced Galindez to a total period of twenty-two years at Level V incarceration to be suspended after serving eight years in prison for decreasing levels of supervision. This is Galindez's direct appeal.

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

(3) This Court's review 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.\*

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\**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).

(4) We have reviewed the record carefully and have concluded that Galindez's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Galindez's counsel has made a conscientious effort to examine the record and the law and has properly determined that Galindez 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