## IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROLAND SAUNDERS,

Defendant Below,
Appellant,

v.

State of Delaware,

Submitted: December 27, 2013 Decided: January 30, 2014

Before HOLLAND, 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, Roland Saunders, of one count of Possession of a Firearm by a Person Prohibited. The Superior Court sentenced Saunders to a period of five years at Level V incarceration to be suspended after serving two years in prison for one year at Level III probation. This is Saunders' direct appeal.
- (2) Saunders' counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Saunders' counsel asserts that, based upon

a complete and careful examination of the record, there are no arguably appealable issues. By letter, Saunders' attorney informed him of the provisions of Rule 26(c) and provided Saunders with a copy of the motion to withdraw and the accompanying brief. Saunders also was informed of his right to supplement his attorney's presentation. Saunders has not raised any issues for the Court's consideration. The State has responded to the position taken by Saunders' 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) the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (b) the 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) The Court has reviewed the record carefully and has concluded that Saunders' appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Saunders' counsel has made a

\*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).

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conscientious effort to examine the record and the law and has properly determined that Saunders 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