

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SEAN GREEN,	§
	§
Defendant Below-	§ No. 466, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1209003391
Plaintiff Below-	§
Appellee.	§

Submitted: February 25, 2014

Decided: March 6, 2014

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

ORDER

This 6th day of March 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) In May 2013, a Superior Court jury convicted the defendant-appellant, Sean Green, of one count each of Aggravated Menacing, Act of Intimidation, and Shoplifting and acquitted him of Possession of a Firearm During the Commission of a Felony and Carrying a Concealed Deadly Weapon. On August 2, 2013, the Superior Court sentenced Green to a total period of seven years and six months at Level V incarceration to be

suspended after eleven months in prison for a period of probation. This is Green's direct appeal.

(2) Green's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Green's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Green's attorney informed him of the provisions of Rule 26(c) and provided Green with a copy of the motion to withdraw and the accompanying brief. Green also was informed of his right to supplement his attorney's presentation. Green has not raised any issues for this Court's consideration. The State has responded to the position taken by Green'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 and determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.*

**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) This Court has reviewed the record carefully and has concluded that Green's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Green's counsel has made a conscientious effort to examine the record and the law and has properly determined that Green 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/ Randy J. Holland
Justice