IN THE SUPREME COURT OF THE STATE OF DELAWARE

GERALD PAULLEY,	§	
	§	
Defendant Below-Appellant,	§	No. 535, 2013
	§	
	§	
v.	§	Court Below—Superior Court
	§	of the State of Delaware,
STATE OF DELAWARE,	§	in and for Sussex County
	§	Cr. ID 1301010871
Plaintiff Below-Appellee.	§	
	§	

Submitted: February 12, 2014
Decided: February 20, 2014

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

O R D E R

This 20th day of February 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) The defendant-appellant, Gerald Paulley, pled guilty on September 4, 2013 to three counts of Burglary in the Third Degree and one count each of Robbery in the Second Degree, Felony Theft, and Conspiracy in the Second Degree.. The Superior Court immediately sentenced Paulley to a total period of fifteen years at Level V incarceration, with credit for 254 days served, to be suspended after serving three years in prison for three years at decreasing levels of supervision. This is Paulley's direct appeal.

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

(4) This Court has reviewed the record carefully and has concluded that Paulley's appeal is wholly without merit and devoid of any arguably appealable

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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).

issue. We also are satisfied that Paulley's counsel has made a conscientious effort to examine the record and the law and has properly determined that Paulley 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/ Henry duPont Ridgely
Justice