

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDRE P. BRICKHOUSE,	§
	§
Defendant Below-	§ No. 481, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1210002179
Plaintiff Below-	§
Appellee.	§

Submitted: February 28, 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 June 2013, a Superior Court jury convicted the defendant-appellant, Andre Brickhouse, of two counts of Robbery in the First Degree and one count each of Resisting Arrest and Possession of Marijuana. The jury could not reach a unanimous verdict on four weapon charges; therefore, the State subsequently dismissed those charges. On September 6, 2013, the Superior Court sentenced Brickhouse, effective October 3, 2012, to a total period of fifty-one years at Level V incarceration, to be suspended after

serving ten years in prison for two years and six months at decreasing levels of supervision. This is Brickhouse's direct appeal.

(2) Brickhouse's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Brickhouse's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Brickhouse's attorney informed him of the provisions of Rule 26(c) and provided Brickhouse with a copy of the motion to withdraw and the accompanying brief. Brickhouse also was informed of his right to supplement his attorney's presentation. Brickhouse has not raised any issues for this Court's consideration. The State has responded to the position taken by Brickhouse'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 Brickhouse's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Brickhouse's counsel has made a conscientious effort to examine the record and the law and has properly determined that Brickhouse 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

**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).