

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KENNETH BARRON,	§	
	§	No. 351, 2017
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID No. 1601003371 (N)
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: November 30, 2017
Decided: February 9, 2018

Before **VALIHURA, VAUGHN**, and **SEITZ**, Justices.

ORDER

This 9th day of February 2018, having considered the no-merit brief and motion to withdraw filed by the appellant’s counsel under Supreme Court Rule 26(c), the State’s response, and the Superior Court record, it appears to the Court that:

(1) The appellant, Kenneth Barron, was indicted in February 2016 on twenty-eight counts of Unlawful Sexual Contact First Degree and two counts each of Continuous Sexual Abuse of a Child, Sexual Abuse of a Child by a Person in a Position of Trust, and Dangerous Crime Against a Child. On June 19, 2017, Barron pleaded no contest to two counts of Unlawful Sexual Contact Second Degree as lesser included offenses of two counts of Unlawful Sexual Contact First Degree. In

exchange for Barron's plea, the State agreed to enter a *nolle prosequi* on the other counts in the indictment. The Superior Court accepted Barron's plea and ordered a presentence investigation.

(2) On August 11, 2017, the Superior Court sentenced Barron to a total of six years of Level V incarceration suspended after five years for six months of Level IV supervision followed by four years of Level III probation. This is Barron's direct appeal.

(3) On appeal, Barron's appellate counsel has filed a no-merit brief and a motion to withdraw under Supreme Court Rule 26(c). Barron's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues.

(4) Appellate counsel informed Barron of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw and the accompanying brief and appendix in draft form. Appellate counsel also informed Barron of his right to identify any points he wanted this Court to consider on appeal. Barron has not raised any issues for the Court's consideration. The State has responded to the Rule 26(c) brief and has moved to affirm the Superior Court's judgment.

(5) When reviewing a motion to withdraw and an accompanying brief under Rule 26(c), the Court must be satisfied that the appellant's counsel has made

a conscientious examination of the record and the law for arguable claims.¹ Also, the Court must conduct its own review of the record to determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.²

(6) Having conducted “a full examination of all the proceedings” and having found “no nonfrivolous issue for appeal,”³ the Court concludes that Barron’s appeal “is wholly without merit.”⁴ The Court is satisfied that Barron’s appellate counsel made a conscientious effort to examine the record and the law and properly determined that Barron could not raise a meritorious claim on appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice

¹ *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).

² *Penson v. Ohio*, 488 U.S. at 81–82.

³ *Id.* at 80.

⁴ Del. Supr. Ct. R. 26(c).