

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANGELA WALLACE,	§
	§
Defendant Below-	§ No. 631, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0609011695
Plaintiff Below-	§
Appellee.	§

Submitted: April 14, 2008

Decided: April 29, 2008

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 29th day of April 2008, upon consideration of the appellant's Supreme Court Rule 26(c) brief, her attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) A Superior Court jury found the defendant-appellant, Angela Wallace (Wallace), guilty of second degree vehicular assault, driving under the influence of drugs, endangering the welfare of a child, and several other related offenses. The Superior Court sentenced Wallace to a total period of four years at Level V incarceration, to be suspended immediately for time served, followed by decreasing levels of probation. This is Wallace's direct appeal.

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