

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ADAM D. BLADES,	§	
	§	No. 496, 2007
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware in
v.	§	and for Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0702002159
Appellee.	§	

Submitted: April 3, 2008

Decided: May 13, 2008

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

**ORDER**

This 13<sup>th</sup> day of May 2008, upon consideration of the appellant's brief filed pursuant to Supreme Court Rule 26(c), his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) On April 18, 2007, the appellant, Adam D. Blades, pled guilty to Theft and Criminal Trespass and was sentenced to two years at Level V suspended for two years at Level III probation. Thereafter, Blades was charged with violating the terms of his probation. On August 17, 2007, the Superior Court adjudged Blades guilty of violating his probation and sentenced him to Level V. This appeal followed.

(2) On appeal, Blades' defense counsel ("Counsel") has filed a brief and a motion to withdraw pursuant to Rule 26(c). The standard and scope of review of a motion to withdraw and an accompanying brief under Rule 26(c) is two-fold. First, the Court must be satisfied that Counsel has made a conscientious examination of the record and the law for claims that could arguably support the appeal.<sup>1</sup> Second, the Court must conduct its own review of the record and determine whether the appeal is so devoid of at least arguably appealable issues that it can be decided without an adversary presentation.<sup>2</sup>

(3) Counsel asserts that, based upon a careful and complete examination of the record, there are no arguably appealable issues. By letter Counsel informed Blades of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw, the accompanying brief and the violation of probation hearing transcript. Blades was also informed of his right to supplement Counsel's presentation. Blades did not submit any points for this Court's consideration. The State has responded to the position taken by Counsel and has moved to affirm the Superior Court's judgment.

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<sup>1</sup> *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).

<sup>2</sup> *Id.*

(4) This Court has reviewed the record carefully and has concluded that Blades' appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Counsel has made a conscientious effort to examine the record and the law and has properly determined that Blades 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