

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VANESSA ALEXANDER,	§
	§ No. 187, 2013
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 1205017620
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 23, 2013
Decided: September 16, 2013

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

ORDER

This 16th day of September 2013, upon consideration of the appellant’s brief filed pursuant to Supreme Court Rule 26(c), her attorney’s motion to withdraw, and the State’s response thereto, it appears to the Court that:

(1) The defendant-appellant, Vanessa Alexander, was found guilty by a Superior Court jury of Unlawfully Obtaining Possession of a Prescription Drug.¹ She was sentenced as a habitual offender² to 5 months of Level V incarceration, with credit for 123 days previously served. This is Alexander’s direct appeal.

¹ She was found not guilty of Forgery.

² Del. Code Ann. tit. 11, §4214(a).

(2) Alexander's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Alexander's counsel asserts that, based upon a complete and careful examination of the record and the law, there are no arguably appealable issues. By letter, Alexander's attorney informed her of the provisions of Rule 26(c) and provided her with a copy of the motion to withdraw and the accompanying brief. Alexander also was informed of her right to supplement her attorney's presentation. Alexander has not raised any issues for this Court's consideration. The State has responded to the position taken by Alexander'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 in order to determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.³

(4) This Court has reviewed the record carefully and has concluded that Alexander's appeal is wholly without merit and devoid of any arguably appealable issues. We also are satisfied that Alexander's counsel has made a conscientious

³ *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).

effort to examine the record and the law and has properly determined that Alexander 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