

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDRE RAMSEY,	§
	§
Defendant Below-	§ No. 224, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID Nos. 1207013999 and
Plaintiff Below-	§ 1203012208
Appellee.	§

Submitted: September 26, 2013

Decided: October 3, 2013

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

ORDER

This 3rd day of October 2013, 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) The defendant-appellant, Andre Ramsey, pled guilty on January 17, 2013 to one count each of Drug Dealing, Possession of a Firearm by a Person Prohibited, and Identity Theft. The Superior Court declared Ramsey to be a habitual offender under 11 Del. C. § 4214(a) and sentenced him to a total period of fifteen years at Level V incarceration, to be suspended after serving seven years in prison for decreasing levels of supervision. This is Ramsey's direct appeal.

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