

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LOUIS A. PRICE,	§
	§
Defendant Below-	§ No. 299, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0606018121
Plaintiff Below-	§
Appellee.	§

Submitted: December 26, 2007

Decided: March 17, 2008

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

**ORDER**

This 17<sup>th</sup> day of March 2008, 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) A Superior Court jury convicted the defendant-appellant, Louis Price, of first degree robbery. The Superior Court sentenced Price to a total period of five years at Level V incarceration to be suspended after serving three years for eighteen months at Level III probation. This is Price's direct appeal.

(2) Price's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Counsel asserts, based upon a complete

and careful examination of the record, that there are no arguably appealable issues. By letter, Price's attorney informed him of the provisions of Rule 26(c) and provided Price with a copy of the motion to withdraw and the accompanying brief. Price also was informed of his right to supplement his attorney's presentation. The State has responded to Price's submission, as well as the position taken by Price'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.<sup>1</sup>

(4) Price raises only one discernible issue for the Court's consideration. He contends that his appointed counsel, for various reasons, provided ineffective assistance of counsel at trial. Claims of ineffective

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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).

assistance of trial counsel, however, will not be considered by this Court for the first time on direct appeal.<sup>2</sup>

(5) This Court has reviewed the record carefully and has concluded that Price's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Price's counsel has made a conscientious effort to examine the record and the law and has properly determined that Price could not raise a meritorious claim in this appeal.

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

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>2</sup> *Desmond v. State*, 654 A.2d 821, 829 (Del. 1994).