

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMEEL ANDERSON,	§
	§
Defendant Below-	§ No. 115, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. No. IN01-11-1526
Plaintiff Below-	§
Appellee.	§

Submitted: July 30, 2002

Decided: August 28, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices

**ORDER**

This 28<sup>th</sup> day of August 2002, 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) The defendant-appellant, Jameel Anderson, was found guilty by a Superior Court jury of Delivery of Cocaine. He was sentenced to 7 years incarceration at Level V, to be suspended after serving 5 years for 2 years at decreasing levels of probation.<sup>1</sup>

---

<sup>1</sup>The 5-year term was a minimum mandatory sentence, since Anderson previously had

---

been convicted of a drug offense. DEL. CODE ANN. tit. 16, § 4763(a) (2) (1995).

(2) Anderson's trial counsel has filed a brief and a motion to withdraw pursuant to Rule 26(c). 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) the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for claims that could arguably support the appeal; and (b) the 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>2</sup>

(3) Anderson's counsel asserts that, based upon a careful and complete examination of the record, there are no arguably appealable issues. By letter, Anderson's counsel informed Anderson of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw, the accompanying brief and the complete hearing transcript. Anderson was also informed of his right to supplement his attorney's presentation. Anderson has chosen not to supplement his attorney's presentation. The State has responded to the position

---

<sup>2</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).

taken by Anderson's counsel and has moved to affirm the Superior Court's judgment.

(4) This Court has reviewed the record carefully and has concluded that Anderson's appeal is wholly without merit and devoid of any arguably appealable issue. We are also satisfied that Anderson's counsel has made a conscientious effort to examine the record and has properly determined that Anderson 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/ E. Norman Veasey  
Chief Justice