

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JESSE J. DRUMMOND,	§
	§
Defendant Below-	§ No. 506, 2000
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware in and
	§ for Sussex County in Cr.A.Nos.
STATE OF DELAWARE,	§ S00-01-0555-0557, 0559-0564, §
	0567-0570.
Plaintiff Below-	§
Appellee.	§
	§ Def. ID No. 0001010398

Submitted: January 26, 2001
Decided: February 14, 2001

Before **WALSH, HOLLAND and BERGER**, Justices.

ORDER

This 14th day of February 2001, upon consideration of the appellant's brief pursuant to Supreme Court Rule 26(c) ("Rule 26(c)"), 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 appellant, Jesse J. Drummond, of the following offenses: Trafficking in Cocaine, Possession with Intent to Deliver Cocaine, Maintaining a Vehicle for Keeping Controlled Substances, Possession of Drug Paraphernalia, Resisting Arrest, and eight motor vehicle violations. This is Drummond's direct appeal.

(2) Drummond's counsel has filed a brief and a motion to withdraw pursuant to Rule 26(c). Drummond's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Drummond's counsel informed Drummond of the provisions of Rule 26(c) and provided Drummond with a copy of the motion to withdraw, the Rule 26(c) brief and the complete trial transcript. Counsel also informed Drummond of his right to supplement counsel's presentation. Drummond, however, has not submitted any issues for this Court's consideration. The State has responded to the position taken by Drummond'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) 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.*

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

* *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).