

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL PARKER,	§
	§ No. 345, 2011
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
	§ for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 1009021639
	§
Plaintiff Below-	§
Appellee.	§

Submitted: December 5, 2011  
Decided: December 13, 2011

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 13<sup>th</sup> day of December 2011, 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, Michael Parker, was found guilty by a Superior Court jury of Delivery of Cocaine. He was sentenced as an habitual offender to 8 years of Level V incarceration, to be followed by 6 months at Level IV supervision. This is Parker’s direct appeal.

(2) Parker’s counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Parker’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, Parker's attorney informed Parker of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw and the accompanying brief. Parker also was informed of his right to supplement his attorney's presentation. Parker has not raised any issues for this Court's consideration. The State has responded to the position taken by Parker'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.\*

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

---

\* *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).

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/ Jack B. Jacobs  
Justice