

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH HUNT,	§
	§
Defendant Below-	§ No. 335, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0602007649
Plaintiff Below-	§
Appellee.	§

Submitted: November 6, 2006
Decided: December 26, 2006

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

ORDER

This 26th day of December 2006, 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, Joseph Hunt (Hunt), pled guilty in March 2006 to possession with intent to distribute marijuana. The Superior Court sentenced Hunt to five years at Level V imprisonment to be suspended after serving three years for probation. This is Hunt's direct appeal.

(2) Hunt's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Hunt's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably

appealable issues. By letter, Hunt's attorney informed him of the provisions of Rule 26(c) and provided Hunt with a copy of the motion to withdraw and the accompanying brief. Hunt also was informed of his right to supplement his attorney's presentation. Hunt has not raised any issues for this Court's consideration. The State has responded to the position taken by Hunt'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.*

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