

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN FIELDS,	§
	§
Defendant Below-	§ No. 673, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0410008516
Plaintiff Below-	§
Appellee.	§

Submitted: May 17, 2007

Decided: May 23, 2007

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

ORDER

This 23rd day of May 2007, 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, Kevin Fields (Fields), pled guilty in November 2004 to one count of possession of heroin with intent to deliver and criminal impersonation. The Superior Court sentenced Fields to ten years at Level V incarceration to be suspended immediately for a total of thirty months probation. In June 2006, Fields was charged with violating the terms of his probation. The Superior Court held a VOP hearing in November 2006. Fields admitted violating the conditions of his probation.

The Superior Court sentenced him to five years at Level V incarceration to be suspended after serving two years for three years of decreasing levels of supervision. This is Fields' appeal from his VOP sentence.

(2) Fields' counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Fields' counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Fields' attorney informed him of the provisions of Rule 26(c) and provided Fields with a copy of the motion to withdraw and the accompanying brief. Fields also was informed of his right to supplement his attorney's presentation. Fields has not raised any issues for this Court's consideration. The State has responded to the position taken by Fields' 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 Fields' appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Fields' counsel has made a conscientious effort to examine the record and the law and has properly determined that Fields 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/Henry duPont Ridgely
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).