

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHELE REID,	§
	§
Defendant Below-	§ No. 116, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0511019405
Plaintiff Below-	§
Appellee.	§

Submitted: June 8, 2007

Decided: July 3, 2007

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

**ORDER**

This 3<sup>rd</sup> day of July 2007, upon consideration of the appellant's Supreme Court Rule 26(c) brief, her attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) The defendant-appellant, Michele Reid (Reid), appealed to the Superior Court following a bench trial in the Court of Common Pleas and her resulting conviction on charges of driving under the influence and driving on the wrong side of the road. The Superior Court affirmed Reid's conviction and sentence. This is Reid's appeal from that order.

(2) Reid's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Reid's counsel asserts that, based upon a

complete and careful examination of the record, there are no arguably appealable issues. By letter, Reid's attorney informed her of the provisions of Rule 26(c) and provided Reid with a copy of the motion to withdraw and the accompanying brief. Reid also was informed of her right to supplement her attorney's presentation. Reid has not raised any issues for this Court's consideration. The State has responded to the position taken by Reid'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 Reid's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Reid's counsel has made a

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\* *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).

conscientious effort to examine the record and the law and has properly determined that Reid 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/ Myron T. Steele  
Chief Justice