

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS A. WHITE,	§
	§ No. 303, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0312010250
	§
Plaintiff Below-	§
Appellee.	§

Submitted: September 21, 2007
Decided: October 15, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 15th day of October 2007, 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, Thomas A. White, pleaded guilty to Possession with Intent to Deliver Cocaine. Additional charges of Maintaining a Dwelling for Keeping Controlled Substances and Possession of Drug Paraphernalia were dismissed. White was sentenced as a habitual

offender to life in prison.¹ This is White's direct appeal from his conviction and sentence.

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

¹ Del. Code Ann. tit. 11, § 4214(b).

² *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).

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