IN THE SUPREME COURT OF THE STATE OF DELAWARE

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| MICHELE PINE, | § | |
| | § | |
| Defendant Below-Appellant, | § | No. 306, 2013 |
| | § | |
| | § | |
| v. | § | Court Below—Superior Court |
| | § | of the State of Delaware, |
| STATE OF DELAWARE, | § | in and for New Castle County |
| | § | Cr. ID 1204018447 |
| Plaintiff Below-Appellee. | § | |
| | § | |

Submitted: December 12, 2013
Decided: January 13, 2014

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

**O R D E R**

This 13th day of January 2014, 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) A Superior Court jury convicted the defendant-appellant, Michele Pine, of one count each of Felony Theft and Conspiracy in the Second Degree. The Superior Court sentenced Pine to a total period of four years at Level V incarceration to be suspended after serving one year in prison to be followed by two years at decreasing levels of supervision. This is Pine’s direct appeal.

(2) Pine's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Pine's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Pine's attorney informed her of the provisions of Rule 26(c) and provided Pine with a copy of the motion to withdraw and the accompanying brief. Pine also was informed of her right to supplement her attorney's presentation. Pine has not raised any issues for the Court's consideration. The State has responded to the position taken by Pine'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) the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (b) the 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) The Court has reviewed the record carefully and has concluded that Pine's appeal is wholly without merit and devoid of any arguably

[*] *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).

appealable issue. We also are satisfied that Pine's counsel has made a conscientious effort to examine the record and the law and has properly determined that Pine 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/ Carolyn Berger
Justice