

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PAUL LACOMBE,	§
	§ No. 502, 2013
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID 1112018546
	§
Plaintiff Below-	§
Appellee.	§

Submitted: March 24, 2014

Decided: April 9, 2014

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

ORDER

This 9th day of April 2014, 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) On March 19, 2013, the defendant-appellant, Paul LaCombe, pled guilty but mentally ill to one count each of Murder in the First Degree and Conspiracy in the Second Degree. LaCombe had been charged with two counts of capital murder and multiple related attempted robbery and weapon offenses in the shooting deaths of two victims. On May 24, 2013, he filed a motion to withdraw his guilty plea, which the Superior Court denied in a written decision dated

September 17, 2013. The Superior Court sentenced LaCombe to life imprisonment and a term of probation. This is LaCombe's direct appeal.

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

**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 LaCombe's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that LaCombe's counsel has made a conscientious effort to examine the record and the law and has properly determined that LaCombe 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