

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EVERETT URQUHART,	§
	§ No. 367, 2011
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID Nos. 1106010939
	§ 0805040743
Plaintiff Below-	§
Appellee.	§

Submitted: January 19, 2012

Decided: February 7, 2012

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

ORDER

This 7th day of February 2012, upon consideration of the appellant’s brief 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, Everett Urquhart, pleaded guilty to one charge of Possession of Ammunition by a Person Prohibited and admitted to a violation of probation (“VOP”). On the criminal conviction, he was sentenced to 5 years incarceration at Level V, to be suspended for 18 months at Level IV Work Release, in turn to be suspended after 6 months for 1 year at Level III probation. On the VOP, he was sentenced to 1 year at Level V. This is Urquhart’s direct appeal.

(2) Urquhart’s counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Urquhart’s counsel asserts that, based upon a complete and careful examination of the record and the law, there are no arguably appealable issues. By letter, Urquhart’s attorney informed him of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw and the accompanying brief. Urquhart also was informed of his right to supplement his attorney’s presentation. Urquhart has not raised any issues for this Court’s consideration. The State has responded to the position taken by Urquhart’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 to determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.¹

¹ *Person 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) The Court has reviewed the record carefully and has concluded that Urquhart's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Urquhart's counsel has made a conscientious effort to examine the record and the law and has properly determined that Urquhart 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