

IN THE SUPREME COURT, STATE OF WYOMING

2012 WY 93

April Term, A.D. 2012

June 27, 2012

DENNIS JAY GROSS,

**Appellant
(Defendant),**

v.

S-11-0296

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

**ORDER AFFIRMING THE JUDGMENT AND SENTENCE
OF THE DISTRICT COURT**

[¶1] **This matter** came before the Court upon its own motion following notification that appellant has not filed a *pro se* brief within the time allotted by this Court. Pursuant to a plea agreement, Appellant entered a “no contest” plea to driving under the influence of alcohol, a fourth offense felony under Wyo. Stat. Ann. § 31-5-233(e). This is Appellant’s direct appeal from the resulting conviction. On March 27, 2012, Appellant’s court-appointed appellate counsel filed a “Motion to Withdraw as Counsel,” pursuant to *Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 1400, 18 L. Ed. 2d 493 (1967). Following a careful review of the record and the “*Anders* brief” submitted by counsel, this Court, on April 24, 2012, entered its “Order Granting Permission for Court Appointed Counsel to Withdraw.” That Order notified Appellant that the District Court’s October 7, 2011 “Judgment and Sentence” would be affirmed unless, on or before June 11, 2012, Appellant filed a brief that persuaded this Court that the captioned appeal is not wholly frivolous. Taking note that Appellant, Dennis Jay Gross, has not filed a brief or other pleading within the time allotted, the Court finds that the district court’s “Judgment and Sentence” should be affirmed. It is, therefore,

[¶2] **ORDERED** that the District Court’s October 7, 2011, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶3] **DATED** this 27th day of June, 2012.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice