

IN THE SUPREME COURT, STATE OF WYOMING

2013 WY 78

April Term, A.D. 2013

June 26, 2013

JERRY LEE HOCH,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-13-0017

**ORDER AFFIRMING THE DISTRICT COURT'S
ORDER DENYING MOTION TO WITHDRAW PLEA**

[¶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 one count of second degree murder. Shortly after the “Judgment and Sentence” was entered, Appellant filed a post-sentence motion to withdraw his plea. On December 12, 2012, the district court entered its “Order Denying Motion to Withdraw Plea.” Appellant took this appeal to challenge that order. On March 25, 2013, 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 23, 2013, entered its “Order Granting Permission for Court Appointed Counsel to Withdraw.” That Order notified Appellant that the District Court’s “Order Denying Motion to Withdraw Plea” would be affirmed unless, on or before June 7, 2013, Appellant filed a brief that persuaded this Court that the captioned appeal is not wholly frivolous. Taking note that Appellant, Jerry Lee Hoch, has not filed a brief or other pleading within the time allotted, the Court finds that the district court’s “Order Denying Motion to Withdraw Plea” should be affirmed. It is, therefore,

[¶2] **ORDERED** that the District Court’s December 12, 2012, “Order Denying Motion to Withdraw Plea” be, and the same hereby is, affirmed.

[¶3] **DATED** this 26th day of June, 2013.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice