

IN THE SUPREME COURT, STATE OF WYOMING

2014 WY 44

April Term, A.D. 2014

April 8, 2014

JACOB DONALD FRITZ,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff)**

S-13-0213

ORDER AFFIRMING APPELLANT’S CONVICTION AND SENTENCE

AND

**ORDER REMANDING TO DISTRICT COURT FOR
CORRECTION OF SENTENCING ORDER**

[¶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 pled guilty to one count of felony interference with a peace officer. Wyo. Stat. Ann. § 6-5-204(b). This is Appellant’s direct appeal from the resulting conviction. On January 16, 2014, 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 February 5, 2014, entered its “Order Granting Permission for Court Appointed Counsel to Withdraw.” That Order notified Appellant that the district court’s “Sentencing Order” would be affirmed unless, on or before March 25, 2014, Appellant filed a brief that persuaded this Court the

captioned appeal is not wholly frivolous. Taking note that Appellant, Jacob Donald Fritz, has not filed a brief or other pleading within the time allotted, the Court finds that the Appellant's conviction and sentence should be affirmed.

[¶2] This Court also finds this matter should be remanded to the district court for correction of the "Sentencing Order." The Court notes that, although Appellant was given an adequate firearms advisement (as required by Wyo. Stat. Ann. § 7-11-507(a)), the district court's "Sentencing Order" does not include a statement to that effect, as required by W.R.Cr.P. 32(b)(1)(E) and *Starrett v. State*, 2012 WY 133, ¶¶ 11-12, 19, 286 P.3d 1033, 1037-38, 1040 (Wyo. 2012). It is, therefore,

[¶3] **ORDERED** that Appellant's conviction and sentence are hereby affirmed; and it is further

[¶4] **ORDERED** that this matter is remanded to the district court for entry of an amended sentencing order, which shall include the firearms advisement required by Wyo. Stat. Ann. § 7-11-507(a).

[¶5] **DATED** this 8th day of April, 2014.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice