

IN THE SUPREME COURT, STATE OF WYOMING

2016 WY 114

October Term, A.D. 2016

November 30, 2016

**KENNETH EUGENE
CHRISTOPHER,**

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-16-0166

ORDER AFFIRMING THE DISTRICT COURT’S JUDGMENT AND SENTENCE

[¶1] **This matter** came before the Court upon “Appellant[’s] *Pro Se* Brief,” which was filed herein November 17, 2016. Pursuant to a plea agreement, Appellant entered unconditional guilty pleas to two counts of sexual abuse of a minor in the first degree. Wyo. Stat. Ann. § 6-2-314(a)(ii). The district court imposed a sentence of 30 to 40 years on each count, with the sentences to run concurrently. Appellant filed this appeal to challenge the district court’s May 27, 2016, “Judgment and Sentence.”

[¶2] On August 17, 2016, 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). The next day, this Court entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court ordered that Appellant “may file with this Court a *pro se* brief specifying the issues he would like this Court to consider in this appeal.” This Court also provided notice that, after the time for filing a *pro se* brief expired, this Court would “make its ruling on counsel’s motion to withdraw and, if appropriate, make a final decision on this appeal.” Appellant subsequently filed his *pro se* brief.

[¶3] Now, following a careful review of the record, “Appellant[’s] *Pro Se* Brief,” and the “*Anders* brief” submitted by appellate counsel, this Court finds that appellate

counsel's motion to withdraw should be granted and the district court's May 27, 2016, "Judgment and Sentence" should be affirmed. This Court finds that Appellant's *pro se* brief is not supported by pertinent authority.

[¶4] Finally, this Court finds it should order the district court to enter an amended Judgment and Sentence, one that complies with W.R.Cr.P. 32(c)(2)(B). That rule requires that the written sentence "state whether multiple sentences are to run concurrently or consecutively." Here, although the district court orally pronounced that Appellant's sentences are to run concurrently, that pronouncement is not documented in the "Judgment and Sentence." It is, therefore,

[¶5] **ORDERED** that the Wyoming Public Defender's Office, court-appointed counsel for Appellant, Kenneth Eugene Christopher, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶6] **ORDERED** that the district court's May 27, 2016, "Judgment and Sentence" be, and the same hereby is, affirmed; and it is further

[¶7] **ORDERED** that, consistent with paragraph 4 of this order, this matter is remanded to the district court for entry of an amended Judgment and Sentence.

[¶8] **DATED** this 30th day of November, 2016.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice