

IN THE SUPREME COURT, STATE OF WYOMING

2016 WY 115

October Term, A.D. 2016

November 30, 2016

WILLIAM KENNETH HALL,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-16-0178

ORDER AFFIRMING THE DISTRICT COURT’S JUDGMENT AND SENTENCE

[¶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 unconditional guilty pleas to five felonies: two counts of sexual abuse of a minor in the second degree; one count of immoral or indecent acts; and two counts of sexual assault in the third degree. Wyo. Stat. Ann. § 6-2-315(a)(i); § 14-3-105(a); and § 6-2-304(a)(i). Appellant filed this appeal to challenge the district court’s June 13, 2016, “Judgment and Sentence.”

[¶2] On September 7, 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 same 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.” Later, this Court granted Appellant’s request for an extension of time to file his brief. This Court ordered that Appellant could file a *pro se* brief on or before November 21, 2016.

[¶3] This Court notes that Appellant has not filed a *pro se* brief or other pleading in the time allotted. However, on November 17, he filed a letter indicating he desired to withdraw his appeal “unless this Court is willing to appoint an attorney who can actually perform the necessary investigation to acquire the evidence to support my claims.” After careful consideration of the letter, the Court finds it cannot accept such an equivocal withdrawal of an appeal, especially when the withdrawal does not satisfy the requirements of W.R.A.P. 18.

[¶4] Now, following a careful review of the record 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 June 13, 2016, “Judgment and Sentence” should be affirmed. It is, therefore,

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

[¶6] **ORDERED** that the district court’s June 13, 2016, “Judgment and Sentence” be, and the same hereby is, affirmed.

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

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice