

***IN THE SUPREME COURT, STATE OF WYOMING***

**2017 WY 145**

***October Term, A.D. 2017***

**December 13, 2017**

**DANIEL JAMES BOUTIN, SR.,**

**Appellant  
(Defendant),**

**v.**

**THE STATE OF WYOMING,**

**Appellee  
(Plaintiff).**

**S-17-0186, S-17-0187**

**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 an unconditional “no contest” plea to one count of kidnapping. Wyo. Stat. Ann. § 6-2-201(a)(iii). The district court imposed a 7 to 10-year sentence, which was suspended in favor of four years of supervised probation. Appellant filed appeal S-17-0186 to challenge the district court’s April 19, 2017, “Judgment and Sentence.” He also filed appeal S-17-0187 to challenge the district court’s May 17, 2017, “Order Denying Motion to Withdraw Plea.”

[¶2] On October 3, 2017, 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). This Court subsequently entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court ordered that, on or before November 20, 2017, 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.” This Court notes that Appellant did not file a *pro se* brief or other pleading in the time allotted.

[¶3] 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 “Judgment and Sentence” should be affirmed. It is, therefore,

[¶4] **ORDERED** that the Wyoming Public Defender’s Office, court-appointed counsel for Appellant, Daniel James Boutin, Sr., is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶5] **ORDERED** that the district court’s April 19, 2017, “Judgment and Sentence” be, and the same hereby is, affirmed; and it is further

[¶6] **ORDERED** that the district court’s May 17, 2017, “Order Denying Motion to Withdraw Plea” be, and the same hereby is, affirmed.

[¶7] **DATED** this 13<sup>th</sup> day of December, 2017.

**BY THE COURT:**

/s/

**E. JAMES BURKE**  
**Chief Justice**