

IN THE SUPREME COURT, STATE OF WYOMING

2018 WY 54

April Term, A.D. 2018

May 31, 2018

GREGORY SCOTT LINDSEY,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-18-0039

**ORDER AFFIRMING THE DISTRICT COURT’S “SENTENCE ON PROBATION
REVOCATION AND ORDER OF PROBATION”**

[¶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. Appellant filed this appeal to challenge the district court’s December 19, 2017, “Sentence on Probation Revocation and Order of Probation.” In that order, the district court revoked and reinstated Appellant’s probation, which stems from a felony conviction for driving while under the influence of alcohol. Wyo. Stat. Ann. § 31-5-233. Appellant admitted he violated his probation.

[¶2] On April 3, 2018, Appellant’s court-appointed appellate counsel e-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 ordered that, on or before May 18, 2018, Appellant would be permitted to file a *pro se* brief specifying the issues he would like the Court to consider in this appeal. This Court further provided notice that, after the time for filing a *pro se* brief expired, this Court would decide whether counsel should be allowed to withdraw and, if appropriate, make a final decision on this appeal. Appellant did not file a *pro se* brief or other pleading in the time allotted.

[¶3] Now, following a careful review of the record, the “*Anders* brief” submitted by appellate counsel, and the file, this Court finds that appellate counsel’s motion to withdraw should be granted and the district court’s December 19, 2017, “Sentence on Probation Revocation and Order of Probation” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s December 19, 2017, “Sentence on Probation Revocation and Order of Probation” be, and the same hereby is, affirmed.

[¶6] **DATED** this 31st day of May, 2018.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice