

IN THE SUPREME COURT, STATE OF WYOMING

2023 WY 53

April Term, A.D. 2023

June 1, 2023

DIEGO CORRIVEAU,

**Appellant
(Defendant),**

v.

S-23-0039

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

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. Appellant entered an unconditional “no contest” plea to one count of felonious restraint. Wyo. Stat. Ann. § 6-2-202(a)(i). The district court imposed a three to five-year sentence, which was suspended in favor of three years of supervised probation. Appellant filed this appeal to challenge the district court’s January 20, 2023, Sentencing Order and Order for Probation.

[¶2] On April 7, 2023, 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 May 22, 2023, Appellant was permitted to file with this Court a *pro se* brief specifying the issues he would like the 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 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 appellate counsel’s motion to withdraw should be

granted and the district court's Sentencing Order and Order for Probation should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the Hot Springs County District Court's January 20, 2023, Sentencing Order and Order for Probation be, and the same hereby is, affirmed.

[¶6] **DATED** this 1st day of June, 2023.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice