

IN THE SUPREME COURT, STATE OF WYOMING

2019 WY 55

April Term, A.D. 2019

May 22, 2019

KELLY MARC ELLIS,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-19-0011

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 guilty plea to one count of possession of a felony amount of marijuana. Wyo.Stat. Ann. § 35-7-1031(c)(iii). The district court imposed a sentence of 3 to 5 years. Appellant filed this appeal to challenge the district court’s October 29, 2018, “Judgment and Sentence and Dismissal of Count.”

[¶ 2] On March 15, 2019, 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, on or before May 2, 2019, Appellant “may 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.” 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 and Dismissal of Count" should be affirmed. It is, therefore,

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

[¶ 5] **ORDERED** that the district court's October 29, 2018, "Judgment and Sentence and Dismissal of Count" be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 22nd day of May, 2019.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice