

IN THE SUPREME COURT, STATE OF WYOMING

2021 WY 99

April Term, A.D. 2021

September 13, 2021

EDDY ANGELO FERNANDEZ,

**Appellant
(Defendant),**

v.

S-21-0098, S-21-0099

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

**ORDER AFFIRMING CONVICTIONS IN
TWO DISTRICT COURT DOCKETS**

[¶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. In the district court case that led to appeal S-21-0099, Appellant entered an unconditional guilty plea to felony driving while under the influence, a fourth or subsequent offense in ten years. Wyo. Stat. Ann. § 31-5-233(e). In the district court case that led to appeal S-21-0098, Appellant entered an unconditional guilty plea to misdemeanor interference with a peace officer. Wyo. Stat. Ann. § 6-5-204(a). On the felony, the district court imposed a four to five-year sentence, with the misdemeanor sentence to run concurrently. In S-21-0099, Appellant took an appeal to challenge the district court’s March 17, 2021 Judgment and Sentence. In S-21-0098, Appellant took an appeal to challenge the district court’s March 12, 2021 Judgment and Sentence.

[¶2] On July 13, 2021, 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 entered an Order Granting Motion for Extension of Time to File *Pro Se* Brief. This Court ordered that, on or before August 30, 2021, Appellant “may file with this Court a *pro se* brief which specifies the issues for 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” in these appeals. 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 records 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 Judgment and Sentence should be affirmed in both dockets. It is, therefore,

[¶4] **ORDERED** that the captioned appeals are consolidated; and it is further

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

[¶6] **ORDERED** that, in this Court’s docket S-21-0099, the Natrona County District Court’s March 17, 2021 Judgment and Sentence in docket 22061 be, and the same hereby is, affirmed; and it is further

[¶7] **ORDERED** that, in S-21-0098, the Natrona County District Court’s March 12, 2021 Judgment and Sentence in docket 22013 be, and the same hereby is, affirmed.

[¶8] **DATED** this 13th day of September, 2021.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice