

IN THE SUPREME COURT, STATE OF WYOMING

2022 WY 27

October Term, A.D. 2021

February 23, 2022

LEROY GONZALES,

**Appellant
(Defendant),**

v.

S-21-0254

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 unconditional guilty pleas to driving under suspension and to felony driving while under the influence, a fourth or subsequent offense in ten years. Wyo.Stat. Ann. § 31-5-233. On the felony, the district court imposed a sentence of 30 to 60 months. Appellant filed this appeal to challenge the district court’s September 16, 2021, Judgment and Sentence.

[¶ 2] On December 23, 2021, 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 February 10, 2022, 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” 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 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 Leroy Gonzales, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶ 5] **ORDERED** that the Converse County District Court's September 16, 2021, Judgment and Sentence be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 23rd day of February, 2022.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice