

IN THE SUPREME COURT, STATE OF WYOMING

2021 WY 112

October Term, A.D. 2021

October 13, 2021

LINO ALFRED HURTADO,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-21-0154

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 possession of methamphetamine with intent to deliver. Wyo. Stat. Ann. § 35-7-1031(a)(i). The district court imposed a four to seven-year sentence. Appellant filed this appeal to challenge the district court’s April 8, 2021 Sentencing Order.

[¶2] On August 11, 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 September 27, 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” 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 Sentencing Order should be affirmed.

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

[¶5] **ORDERED** the Carbon County District Court's April 8, 2021 Sentencing Order be, and the same hereby is, affirmed.

[¶6] **DATED** this 13th day of October, 2021.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice