

***IN THE SUPREME COURT, STATE OF WYOMING***

**2019 WY 73**

***April Term, A.D. 2019***

***July 17, 2019***

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**BRIAN TODD RUSSELL,**

**Appellant  
(Defendant),**

**v.**

**S-19-0055**

**THE STATE OF WYOMING,**

**Appellee  
(Plaintiff).**

**ORDER AFFIRMING THE DISTRICT COURT’S ORDER DENYING  
MOTION TO CORRECT ILLEGAL 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 took this appeal to challenge the district court’s December 28, 2018, “Order Denying Defendant’s Motion to Correct Illegal Sentence.”

[¶ 2] On May 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 next day, this Court entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court ordered that, on or before July 1, 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 "Order Denying Defendant's Motion to Correct Illegal Sentence" should be affirmed. It is, therefore,

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

[¶ 5] **ORDERED** that the district court's December 28, 2018, "Order Denying Defendant's Motion to Correct Illegal Sentence," be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 17<sup>th</sup> day of July, 2019.

**BY THE COURT:**

/s/

**MICHAEL K. DAVIS**  
**Chief Justice**