

IN THE SUPREME COURT, STATE OF WYOMING

2020 WY 128

April Term, A.D. 2020

September 30, 2020

TRAE DERIK SMITH,

**Appellant
(Defendant),**

v.

S-20-0062

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 filing of Appellant’s *pro se* brief. Pursuant to a plea agreement, Appellant entered unconditional guilty pleas to three felonies: first degree sexual assault, abuse of a vulnerable adult, and sexual abuse of a minor in the second degree. Wyo. Stat. Ann. § 6-2-302(a)(iv); § 6-2-507(a); § 6-2-315(a)(i). For first degree sexual assault, the district court imposed a 40 to 50-year sentence, which the district court ordered be served concurrently with an 18 to 20-year sentence for sexual abuse of a minor in the second degree. Further, the district court imposed an 8 to 10-year sentence for abuse of a vulnerable adult and ordered that sentence be served consecutively to the other two sentences. Appellant filed this appeal to challenge the district court’s January 6, 2020, “Judgment and Sentence.”

[¶ 2] On April 23, 2020, 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 ordered that 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. After extensions of time, Appellant filed his *pro se* brief on September 17, 2020.

[¶ 3] Now, following a careful review of that *pro se* brief, 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” should be affirmed. It is, therefore,

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

[¶ 5] **ORDERED** that the Natrona County District Court’s January 6, 2020, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 30th day of September, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice