

IN THE SUPREME COURT, STATE OF WYOMING

2022 WY 140

October Term, A.D. 2022

November 9, 2022

EDGAR ALLEN STITZEL,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-22-0191

ORDER AFFIRMING THE DISTRICT COURT'S JUDGMENT AND SENTENCE

[¶1] **This matter** came before the Court upon its own motion following notification Appellant has not filed a *pro se* brief within the time allotted by this Court. Pursuant to a plea agreement, Appellant entered an unconditional guilty plea to one count of failure to register as a sex offender. Wyo. Stat. Ann. § 7-19-302. The district court imposed a three to five-year sentence, which was suspended in favor of one year of supervised probation. Appellant filed this appeal to challenge the district court's April 26, 2022, Order of Suspended Sentence and Supervised Probation.

[¶2] On September 14, 2022, 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 October 31, 2022, Appellant was permitted to 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 of Suspended Sentence and Supervised Probation should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the Albany County District Court's April 26, 2022, Order of Suspended Sentence and Supervised Probation be, and the same hereby is, affirmed.

[¶6] **DATED** this 9th day of November, 2022.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice