

IN THE SUPREME COURT, STATE OF WYOMING

2022 WY 5

October Term, A.D. 2021

January 12, 2022

RUSSEL LEROY TANNER,

**Appellant
(Defendant),**

v.

S-21-0212

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 in the time allotted. Pursuant to a plea agreement, Appellant entered unconditional guilty pleas to seventeen counts of sexual exploitation of children (possession of child pornography). Wyo. Stat. Ann. § 6-4-303(b)(iv). The district court imposed a sentencing package that consisted of consecutive sentences of eight to ten years, six to ten years, and eight to ten years, with the third sentence suspended in favor of three years of probation. Appellant filed this appeal to challenge the district court’s July 21, 2021 Judgment and Sentence.

[¶2] On October 28, 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 ordered that 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. Appellant’s *pro se* brief was due for filing on or before December 16, 2021. 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 Judgment and Sentence should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the Sweetwater County District Court's July 21, 2021 Judgment and Sentence be, and the same hereby is, affirmed.

[¶6] **DATED** this 12th day of January, 2022.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice