

IN THE SUPREME COURT, STATE OF WYOMING

2019 WY 70

April Term, A.D. 2019

July 11, 2019

DEVON THAURIAUX,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-19-0048

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. Pursuant to a plea agreement, Appellant entered an unconditional “no contest” plea to one count of third-degree sexual assault. Wyo.Stat. Ann. § 6-2-304(a)(iii). The district court imposed a 13 to 15-year sentence. Appellant filed this appeal to challenge the district court’s January 4, 2019, “Judgment, Sentence and Order of Incarceration.”

[¶ 2] On May 2, 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 June 20, 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.” Appellant has not filed 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, Sentence and Order of Incarceration" should be affirmed. It is, therefore,

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

[¶ 5] **ORDERED** that the district court's January 4, 2019, "Judgment, Sentence and Order of Incarceration" be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 11th day of July, 2019.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice