

IN THE SUPREME COURT, STATE OF WYOMING

2014 WY 122

April Term, A.D. 2014

October 1, 2014

ANTHONY JOSEPH TEEL,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-13-0220

ORDER AFFIRMING THE DISTRICT COURT’S JUDGMENT AND SENTENCE

[¶1] **This matter** came before the Court upon “Appellant’s Brief,” filed *pro se* herein September 11, 2014. In 2013, Appellant entered an unconditional guilty plea to one count of aggravated assault and battery. Wyo. Stat. Ann. § 6-2-502(a)(ii). The district court imposed a sentence of two to four years. Appellant filed this appeal to challenge the district court’s July 22, 2013, “Judgment and Sentence.”

[¶2] On December 30, 2013, 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). Following careful review of the record and the “*Anders* brief” filed by appellate counsel, this Court, on January 21, 2014, entered its “Order Granting Permission for Court-Appointed Counsel to Withdraw.” That Order notified Appellant that the district court’s “Judgment and Sentence” would be affirmed unless, on or before March 10, 2014, Appellant filed a brief that persuaded this Court that the captioned appeal is not wholly frivolous.

[¶3] Subsequently, this Court granted Appellant two extensions of time to file his brief. In addition, Appellant filed, pursuant to W.R.A.P. 21, two motions for remand for a hearing to develop his claim of ineffective assistance of trial counsel. This Court denied both motions. Finally, Appellant filed his *pro se* brief.

[¶4] Now, after a careful review of that brief, the Court finds that the district court’s “Judgment and Sentence” should be affirmed. This Court finds that Appellant has not

established that this appeal has merit. Instead, the Brief of Appellant is little more than a rehash of Appellant's motions for a remand for a hearing on his claim of ineffective assistance of counsel. This Court denied both such motions, because Appellant did not establish a substantial issue regarding ineffective assistance. *Jacobsen v. State*, 2012 WY 105, ¶ 11, 281 P.3d 356, 359 (Wyo. 2012) ("A substantial issue regarding ineffective assistance of counsel exists only when serious and specific allegations are presented supporting both prongs of the *Strickland* test for ineffectiveness."). Appellant has not provided this Court with any good reason to revisit those denials nor has he established that this appeal has merit. It is, therefore,

[¶5] **ORDERED** that Appellant's Motion to Remand for Hearing on Ineffective Assistance of Counsel Claim Pursuant to W.R.A.P. Rule 21, filed herein September 11, 2014, be, and hereby is, denied. This Court previously denied two similar motions. Appellant has not provided this Court with any good reason to revisit those denials; and it is further

[¶6] **ORDERED** that Appellant's Motion for Appointment of Counsel, filed herein September 11, 2014, be, and hereby is, denied. This Court has already denied two similar motions for counsel, and this motion should be denied as well. Appellant was appointed counsel for this appeal. That appointed counsel was allowed to withdraw pursuant to the *Anders* brief procedure. Appellant is not entitled to further appointment of counsel; and it is further

[¶7] **ORDERED** that Appellant's Motion for an Extension of Time (to file brief), filed herein September 11, 2014, be, and hereby is, denied. This Court, after granting a number of extensions of time, informed Appellant that no further extension would be allowed. Also, Appellant had over eight and one-half months to file a brief, and he already filed his 46-page brief; and it is further

[¶8] **ORDERED** that the Motion for Oral Arguments, filed herein September 11, 2014, be, and hereby is, denied; and it is further

[¶9] **ORDERED** that the district court's July 22, 2013, "Judgment and Sentence" be, and the same hereby is, affirmed.

[¶10] **DATED** this 1st day of October, 2014.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice