

IN THE SUPREME COURT, STATE OF WYOMING

2017 WY 1

October Term, A.D. 2016

January 5, 2017

TRESTIN M. PIERCE,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-16-0213

**ORDER AFFIRMING THE DISTRICT COURT’S “ORDER REVOKING
PROBATION AND IMPOSING 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. Appellant filed this appeal to challenge the district court’s June 28, 2016, “Order Revoking Probation and Imposing Sentence.” In that order, the district court revoked Appellant’s probation following Appellant’s admission to the alleged probation violation. The district court imposed a 30 to 60 month sentence on the underlying charge of delivery of heroin. Wyo. Stat. Ann. § 35-7-1031(a)(i).

[¶2] On October 31, 2016, 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). 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 December 19, 2016, Appellant “may file with this Court a *pro se* brief specifying the issues he would like this 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 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 June 28, 2016, “Order Revoking Probation and Imposing Sentence” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s June 28, 2016, “Order Revoking Probation and Imposing Sentence” be, and the same hereby is, affirmed.

[¶6] **DATED** this 5th day of January, 2017.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice