

IN THE SUPREME COURT, STATE OF WYOMING

2017 WY 27

October Term, A.D. 2016

March 8, 2017

LOUIS J. SMITH,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-16-0270

ORDER AFFIRMING THE DISTRICT COURT’S DEFERRAL ORDER

[¶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 guilty plea to one count of felony possession of THC in liquid form. Wyo. Stat. Ann. § 35-7-1031(c)(iii). Relying on Wyo. Stat. Ann. § 7-13-301, the district court accepted the plea but did not enter a conviction. The district court placed Appellant on supervised probation for one to five years. Appellant filed this appeal to challenge the district court’s October 21, 2016, “Order Deferring Proceedings Pursuant to W.S. 7-13-301.”

[¶2] On January 9, 2017, 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 February 23, 2017, 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.” The Court notes that Appellant did not file a *pro se* brief or any 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 October 21, 2016, “Order Deferring Proceedings Pursuant to W.S. 7-13-301” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s October 21, 2016, “Order Deferring Proceedings Pursuant to W.S. 7-13-301” be, and the same hereby is, affirmed.

[¶6] **DATED** this 8th day of March, 2017.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice