

IN THE SUPREME COURT, STATE OF WYOMING

2017 WY 51

April Term, A.D. 2017

May 10, 2017

KEITH E. MATTERI,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-16-0257

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 unconditional pleas of “*nolo contendere*” to two counts: possession of methamphetamine with intent to deliver and aggravated assault and battery. Wyo. Stat. Ann. § 35-7-1031(a)(i) and § 6-2-502(a)(i). The district court imposed consecutive sentences of 8 to 12 years and 4½ to 6 years. Appellant filed this appeal to challenge the district court’s June 20, 2016, “Judgment Upon Pleas of *Nolo Contendere*” and its September 8, 2016, “Sentence.”

[¶2] On March 9, 2017, 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). This Court entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court ordered that, on or before April 24, 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 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 Upon Pleas of *Nolo Contendere*” and its “Sentence” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s June 20, 2016, “Judgment Upon Pleas of *Nolo Contendere*” and its September 8, 2016, “Sentence,” which were entered in district court criminal cases 7097 and 7516, be, and the same hereby are, affirmed.

DATED this 10th day of May, 2017.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice