

IN THE SUPREME COURT, STATE OF WYOMING

2022 WY 133

October Term, A.D. 2022

October 26, 2022

TONY A. KELLY,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-22-0170

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 guilty pleas to three charges: aggravated child abuse, child abuse, and misdemeanor possession of methamphetamine. Wyo. Stat. Ann. § 6-2-503(b)(i) & (c); § 35-7-1031(c)(i)(C). For aggravated child abuse, the district court imposed a fifteen to twenty year sentence, with the other lesser felony sentence to be served concurrently. Appellant filed this appeal to challenge the district court’s October 25, 2021, Judgment and Sentence.

[¶2] On August 24, 2022, 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 subsequently entered an Order Granting Motion for Extension of Time to File *Pro Se* Brief. This Court ordered that, on or before October 11, 2022, Appellant was permitted to 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. This 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 appellate counsel's motion to withdraw should be granted and the district court's Judgment and Sentence should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the Laramie County District Court's October 25, 2021, Judgment and Sentence be, and the same hereby is, affirmed.

[¶6] **DATED** this 26th day of October, 2022.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice