

IN THE SUPREME COURT, STATE OF WYOMING

2020 WY 108

April Term, A.D. 2020

August 19, 2020

RICK ALLEN BENNEFIELD,

Appellant
(Defendant),

v.

THE STATE OF WYOMING,

Appellee
(Plaintiff).

S-20-0045

ORDER AFFIRMING THE DISTRICT COURT’S JUDGMENT AND SENTENCE

[¶ 1] Pursuant to an oral plea agreement, Appellant entered unconditional no contest pleas to one count of sexual exploitation of a child-possession of child pornography (Count 3) and one count of sexual exploitation of a child-manufacturing child pornography (Count 53) in violation of Wyo. Stat. Ann. § 6-4-303(b)(iv) & (d) and § 6-4-303(b)(iii) & (c), respectively. The district court sentenced him to 10 to 12 years imprisonment on Count 53 and a consecutive 5 to 6 years imprisonment on Count 3, with the latter sentence suspended in favor of 3½ years of probation. Appellant filed this appeal to challenge the district court’s January 16, 2020 “Judgment and Sentence.”

[¶ 2] On May 19, 2020, 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). This Court subsequently ordered that Appellant may “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. Appellant’s *pro se* brief was due for filing on or before August 5, 2020. Appellant filed a *pro se* brief on August 3, 2020.

[¶ 3] Following a careful review of the record, the “*Anders* brief” submitted by appellate counsel, and Appellant’s *pro se* brief, this Court finds that 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 Rick Allen Bennefield, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶ 5] ORDERED that the Laramie County District Court’s January 16, 2020, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶ 6] DATED this 19th day of August, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice