

IN THE SUPREME COURT, STATE OF WYOMING

2021 WY 76

April Term, A.D. 2021

June 9, 2021

RORY ERON BUNNELL,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-21-0003

ORDER AFFIRMING THE DISTRICT COURT’S JUDGMENT AND SENTENCE

[¶ 1] **This matter** came before the Court upon its own motion following filing of the “Pro Se Appel[1]ant Brief.” Appellant entered unconditional guilty pleas to three felonies: (1) possession of methamphetamine with intent to deliver; (2) possession of marijuana with intent to deliver; and (3) possession of cocaine, a third or subsequent offense felony. Wyo. Stat. Ann. § 35-7-1031(a)(ii); § 35-7-1031(c)(i). The district court imposed concurrent sentences of four to six years, four to six years, and three to five years. Appellant filed this appeal to challenge the district court’s November 4, 2020, “Judgment and Sentence.”

[¶ 2] On April 12, 2021, 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 entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court 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 filed his *pro se* brief May 27, 2021.

[¶ 3] Now, following a careful review of that *pro se* brief, 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. Regarding Appellant’s claim for additional credit for time served, this Court finds it is unable to determine that claim based on the record available. This Court notes Appellant is free to pursue his claim by filing a motion to correct illegal sentence. W.R.Cr.P. 35(a). It is, therefore,

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

[¶ 5] **ORDERED** that the district court’s November 4, 2020, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 9th day of June, 2021.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice