

IN THE SUPREME COURT, STATE OF WYOMING

2021 WY 6

October Term, A.D. 2020

January 13, 2021

SAMUEL COLE FOSTER,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-20-0195

**ORDER AFFIRMING THE DISTRICT COURT’S
“ORDER AFTER REVIEW HEARING”**

[¶ 1] **This matter** came before the Court upon its own motion following notification that Appellant has not filed a *pro se* brief in the time allotted. Appellant filed this appeal to challenge the district court’s May 12, 2020, “Order After Review Hearing,” wherein the district court ordered Appellant to remain in jail serving his split sentence. That order states Appellant could file another motion if he “receives transfer instructions from Arizona Probation and Parole.” This Court notes Appellant later received such transfer instructions and was released from jail to travel to Arizona.

[¶ 2] On October 30, 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 December 17, 2020. 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 “Order After Review Hearing” should be affirmed. It is, therefore,

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

[¶ 5] **ORDERED** that the Johnson County District Court’s May 12, 2020, “Order After Review Hearing” be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 13th day of January, 2021.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice