

IN THE SUPREME COURT, STATE OF WYOMING

2019 WY 9

October Term, A.D. 2018

January 18, 2019

**MATTHEW CHRISTOPHER
JACOBY,**

**Appellant
(Defendant),**

v.

**S-18-0195,
S-18-0196**

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

ORDER AFFIRMING CONVICTIONS AND SENTENCES

[¶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. This Court has consolidated the captioned appeals for the purposes of this order. In the case that led to the appeal docketed as S-18-0195, Appellant, pursuant to a plea agreement, entered an unconditional “no contest” plea to one count of obtaining property by false pretenses. Wyo.Stat.Ann. § 6-3-407(a)(i). The district court imposed a 3 to 5-year sentence. In the case that led to the appeal docketed as S-18-0196, Appellant, pursuant to a plea agreement, entered an unconditional “no contest” plea to one count of burglary. Wyo.Stat.Ann. § 6-3-301. The district court imposed a 3 to 5-year sentence for that crime as well. The district court ordered the sentences be served consecutively.

[¶2] On October 29, 2018, Appellant’s court-appointed appellate counsel, in both captioned appeals, 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 Orders Granting Motions for Extension of Time to File *Pro Se* Brief. This Court ordered that, on or before December 13, 2018, 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 motions to withdraw and, if appropriate, make a final decision on these appeals. 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*” briefs submitted by appellate counsel, this Court finds that appellate counsel’s motions to withdraw should be granted and the district court’s “Judgment and Sentence” should be affirmed in both appeals. It is, therefore,

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

[¶5] **ORDERED** that, with respect to docket S-18-0195, the district court’s June 26, 2018, “Judgment and Sentence” be, and the same hereby is, affirmed; and it is further

[¶6] **ORDERED** that, with respect to docket S-18-0196, the district court’s June 18, 2018, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶7] **DATED** this 18th day of January, 2019.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice