

IN THE SUPREME COURT, STATE OF WYOMING

2021 WY 130

October Term, A.D. 2021

November 24, 2021

MICHAEL DAVID LOTT,

**Appellant
(Defendant),**

v.

S-21-0184

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

**ORDER AFFIRMING THE DISTRICT COURT'S
ORDER TO REVOKE PROBATION**

[¶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 took this appeal to challenge the district court's June 11, 2021 Order to Revoke Probation. Appellant admitted he violated his probation. The district court revoked probation and imposed a sentence of 42 to 54 months on Appellant's conviction for felony child endangerment. Wyo. Stat. Ann. § 6-4-405(b).

[¶2] On September 23, 2021, 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, which provided that Appellant "may file with this Court a *pro se* brief which specifies the issues for 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 November 8, 2021. 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 to Revoke Probation should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the Natrona County District Court's June 11, 2021 Order to Revoke Probation, be, and the same hereby is, affirmed.

[¶6] **DATED** this 24th day of November, 2021.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice