

IN THE SUPREME COURT, STATE OF WYOMING

2019 WY 61

April Term, A.D. 2019

June 5, 2019

KYLE MCCABE MARTIN,

**Appellant
(Defendant),**

v.

S-19-0029

THE STATE OF WYOMING,

**Appellee
Plaintiff).**

ORDER AFFIRMING THE DISTRICT COURT'S JUDGMENT AND SENTENCE

[¶ 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. Pursuant to a plea agreement, Appellant entered unconditional guilty pleas to (1) one count of aggravated kidnapping, (2) one count of aggravated robbery, and (3) one count of aggravated burglary. Wyo.Stat.Ann. § 6-2-201(a) & (d); § 6-2-401(a) & (c); and § 6-3-301(a) & (c). The district court imposed a sentence of 75 years to life for kidnapping, with the lesser sentences to run concurrently. Appellant filed this appeal to challenge the district court's December 19, 2018, "Judgment and Sentence."

[¶ 2] On April 3, 2019, 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). The next day, this Court entered an "Order Granting Motion for Extension of Time to File *Pro Se* Brief." This Court ordered that, on or before May 20, 2019, 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 has not filed 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 “Judgment and Sentence” should be affirmed. It is, therefore,

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

[¶ 5] **ORDERED** that the district court’s December 19, 2018, “Judgment and Sentence” be, and the same hereby are, affirmed.

[¶ 6] **DATED** this 5th day of June, 2019.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice