

IN THE SUPREME COURT, STATE OF WYOMING

2020 WY 156

October Term, A.D. 2020

December 23, 2020

GRANT WOOD REHOR, JR.,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-20-0139

ORDER AFFIRMING “ORDER OF REVOCATION OF PROBATION”

[¶ 1] **This matter** came before the Court following the filing of Appellant’s “Pro Se Brief.” Appellant filed this appeal to challenge the district court’s February 24, 2020, “Order of Revocation of Probation.” The district court revoked probation and imposed a four to six-year sentence for felony property destruction, along with concurrent misdemeanor sentences. Wyo.Stat.Ann. § 6-3-201.

[¶ 2] On November 2, 2020, 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.” This Court permitted Appellant to file a “*pro se* brief specifying the issues he would like the Court to consider in this appeal.” Appellant filed his “Pro Se Brief” on December 4, 2020.

[¶ 3] Now, following a careful review of the “Pro Se Brief,” 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 of Revocation of Probation” should be affirmed, subject to a correction. As appellate counsel notes, at the sentencing hearing in this matter, the district court indicated Appellant should receive credit for 220 days served. Despite that, the “Order of Revocation of Probation” awards Appellant credit

for 218 days served. “A long-recognized rule of this Court is that where there is conflict between the sentence as articulated at sentencing, and the written sentence, the oral sentence prevails.” *Pinker v. State*, 2008 WY 86, ¶ 7, 188 P.3d 571, 574 (Wyo. 2008); *Medina v. State*, 2013 WY 119, 309 P.3d 1247 (Wyo. 2013). This Court concludes it should order the district court to correct the judgment to conform to the oral pronouncement. It is, therefore,

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

[¶ 5] **ORDERED** that the Sweetwater County District Court’s February 24, 2020, “Order of Revocation of Probation” be, and the same hereby is, affirmed, subject to the correction noted below; and it is further

[¶ 6] **ORDERED** that this matter is remanded to the district court for entry of an order correcting the “Order of Revocation of Probation” so that the Appellant is awarded credit for 220 days served.

[¶ 7] **DATED** this 23rd day of December, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice