

IN THE SUPREME COURT, STATE OF WYOMING

2025 WY 41

April Term, A.D. 2025

April 9, 2025

BENJAMIN BAILEY STOREY,

**Appellant
(Defendant),**

v.

S-24-0290

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

**ORDER AFFIRMING THE DISTRICT COURT'S
ORDER REVOKING 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 January 16, 2025, *Amended* Order Revoking Probation, Order of Disposition and Order Imposing Sentence. Appellant admitted he violated his probation. The district court revoked probation and imposed a three to five year sentence of incarceration on Appellant's conviction for possession of a controlled substance to-wit: methamphetamine. Wyo. Stat. Ann. § 35-7-1031(c)(i)(C).

[¶2] On January 31, 2025, 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 entered an Order Granting Motion for Extension of Time to File *Pro Se* Brief. This Court ordered that, on or before April 4, 2025, Appellant may file with this Court a *pro se* brief specifying 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. 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* brief submitted by appellate counsel, this Court finds appellate counsel's motion to withdraw should be granted and the district court's order revoking probation should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the Campbell County District Court's January 16, 2025, *Amended* Order Revoking Probation, Order of Disposition and Order Imposing Sentence be, and the same hereby is, affirmed.

[¶6] **DATED** this 9th day of April, 2025.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice