

IN THE SUPREME COURT, STATE OF WYOMING

2025 WY 69

April Term, A.D. 2025

June 25, 2025

ALBERT RAYMOND MONTOYA,

**Appellant
(Defendant),**

v.

S-25-0067

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

ORDER AFFIRMING THE DISTRICT COURT’S SENTENCING ORDER

[¶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. Pursuant to a plea agreement, Appellant entered an unconditional guilty plea to one felony count of possession of a controlled substance – methamphetamine (crystalline form), Wyo. Stat. Ann. § 35-7-1031(c)(ii), and one misdemeanor count of driving while license suspended, Wyo. Stat. Ann. § 31-7-134(a). For these counts, the district court imposed a 4 to 6-year sentence of incarceration. Appellant filed this appeal to challenge the district court’s December 12, 2024, Judgment and Sentence.

[¶2] On April 24, 2025, Appellant’s court-appointed appellate counsel filed a Motion to Withdraw as Counsel, pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 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 Appellant was permitted to 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 did not file a *pro se* brief or other pleading in the time allotted.

[¶3] Now, following a careful review of the *Anders* brief submitted by appellate counsel, and the record, 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 Albert Raymond Montoya, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶5] **ORDERED** that the Niobrara County District Court's December 12, 2024, Judgment and Sentence be, and the same hereby is, affirmed.

[¶6] **DATED** this 25th day of June, 2025.

BY THE COURT:

/s/

LYNNE BOOMGAARDEN
Chief Justice

*Justice Hill is recused.