

IN THE SUPREME COURT, STATE OF WYOMING

2025 WY 134

October Term, A.D. 2025

December 24, 2025

JUSTIN DAVID SCHWINCK,

**Appellant
(Defendant),**

v.

S-25-0209

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 in the time allotted. Pursuant to a plea agreement, Appellant entered an unconditional no contest plea to one felony count of theft in violation of Wyo. Stat. Ann. § 6-3-402(a) and (h). For this count, the district court imposed a three to five-year sentence of incarceration suspended in favor of a thirty day split sentence and two years of supervised probation. Appellant filed this appeal to challenge the district court's May 6, 2025, Judgment, and August 6, 2025, Sentence.

[¶2] On October 20, 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 Justin David Schwinck, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶5] **ORDERED** that the Carbon County District Court's May 6, 2025, Judgment, and August 6, 2025, Sentence be, and the same hereby is, affirmed.

[¶6] **DATED** this 24th day of December, 2025.

BY THE COURT:

/s/

LYNNE BOOMGAARDEN
Chief Justice