

IN THE SUPREME COURT, STATE OF WYOMING

2016 WY 94

April Term, A.D. 2016

September 28, 2016

DAGOBERTO ONTIVEROS,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-16-0127

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 an unconditional “no contest” plea to second degree murder. Wyo. Stat. Ann. § 6-2-104. The district court imposed a sentence of 20 to 24 years. Appellant filed this appeal to challenge the district court’s March 11, 2016, “Judgment and Sentence.”

[¶2] On June 27, 2016, 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). 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 August 11, 2016, Appellant “may file with this Court a *pro se* brief specifying the issues he would like this 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 later extended the time to file a *pro se* brief until September 12, 2016. The Court notes that Appellant did not timely file a *pro se* brief.

[¶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, Dagoberto Ontiveros, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶5] **ORDERED** that the district court’s March 11, 2016, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶6] **DATED** this 28th day of September, 2016.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice