

IN THE SUPREME COURT, STATE OF WYOMING

2017 WY 41

April Term, A.D. 2017

April 19, 2017

TONYA OEDEKOVEN,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-16-0292

ORDER AFFIRMING 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 one count of felony theft. Wyo. Stat. Ann. § 6-3-402. The district court imposed an 18 to 36 month sentence, which was suspended in favor of three years of supervised probation. Appellant filed this appeal to challenge the district court’s December 6, 2016, “Judgment, Sentence and Probation Order.”

[¶2] On February 13, 2017, 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). 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 March 30, 2017, Appellant would be permitted to file a *pro se* brief specifying the issues she would like the Court to consider. 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 any 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 that appellate counsel’s motion to withdraw should be granted and the district court’s December 6, 2016, “Judgment, Sentence and Probation Order” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s December 6, 2016, “Judgment, Sentence and Probation Order” be, and the same hereby is, affirmed.

[¶6] **DATED** this 19th day of April, 2017.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice