

IN THE SUPREME COURT, STATE OF WYOMING

2014 WY 120

April Term, A.D. 2014

September 24, 2014

DIANA MONTOYA,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-14-0112

**ORDER AFFIRMING THE DISTRICT COURT’S “ORDER REVOKING PROBATION
AND JUDGMENT AND SENTENCE”**

[¶1] **This matter** came before the Court upon “Appellant’s Brief,” filed *pro se* herein September 16, 2014. In 2011, Appellant entered an unconditional guilty plea to one count of possession of methamphetamine with intent to deliver. Wyo. Stat. Ann. § 35-7-1031(a)(i). In 2012, the district court imposed a four to six year sentence, which was suspended in favor of five years of supervised probation. In 2014, the district court revoked Appellant’s probation and imposed the underlying sentence. The “Order Revoking Probation and Judgment and Sentence” was entered on February 27, 2014. Appellant filed this appeal to challenge that order.

[¶2] On July 23, 2014, 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). Following a careful review of the record and the “*Anders* brief” submitted by appellate counsel, this Court, on August 19, 2014, entered its “Order Granting Permission for Court-Appointed Counsel to Withdraw.” That Order notified Appellant that the district court’s February 27, 2014, “Order Revoking Probation and Judgment and Sentence” would be affirmed unless, on or before October 6, 2014, Appellant filed a brief that persuaded this Court that the captioned appeal is not wholly frivolous.

[¶3] Now, after a careful review of Appellant’s Brief, the Court finds that the district court’s “Order Revoking Probation and Judgment and Sentence” should be affirmed. This Court finds that Appellant has not provided any precedent or cogent argument to establish that this appeal has merit. Instead, Appellant, to great extent, discusses matters related to her underlying conviction and discusses other matters unrelated to the probation revocation at issue in this appeal. Further, to the extent Appellant suggests the evidence does not support the probation revocation, this Court concludes that the evidence supports the district court’s probation revocation. It is, therefore,

[¶4] **ORDERED** that the district court’s February 27, 2014, “Order Revoking Probation and Judgment and Sentence” be, and the same hereby is, affirmed.

[¶5] **DATED** this 24th day of September, 2014.

BY THE COURT:*

/s/

E. JAMES BURKE
Chief Justice

*Justice Davis took no part in the consideration of this matter.