

IN THE SUPREME COURT, STATE OF WYOMING

2015 WY 110

April Term, A.D. 2015

August 19, 2015

BILLY M. CARRIER, JR.,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-14-0312

ORDER REMANDING FOR NEW TRIAL

[¶1] **This matter** came before the Court upon “Appellant’s Motion for Remand,” e-filed herein July 24, 2015. On April 14, 2015, this Court, acting pursuant to the then-current version of W.R.A.P. 21, remanded this matter to the district court for that court to hold a hearing on Appellant’s claim that his trial counsel was ineffective. After a hearing, the district court, on July 6, 2015, issued a decision letter and order concluding that Appellant’s trial counsel was ineffective and that Appellant should receive a new trial. In the present motion, Appellant requests that proceedings in this appeal be discontinued and that this matter be remanded to district court for a new trial. By filing this motion, Appellant is presumably willing to forgo pursuit of any appellate claim that would result in acquittal or dismissal of the charges. *Compare Ken v. State*, 2011 WY 167, ¶¶ 17-25, 267 P.3d 567, 572-74 (Wyo. 2011) (Appellant claimed insufficient evidence). Now, after a careful review of the motion for remand, the district court’s ruling on remand, the “State’s Objection to Appellant’s Motion for Remand,” and the file, this Court finds that the motion should be granted and that this matter should be remanded to the district court for a new trial. It is, therefore,

[¶2] **ORDERED** that, based on the district court’s ruling granting Appellant a new trial, the “Judgment and Sentence” entered on July 31, 2014, in Laramie County District Court Docket 31-882 is vacated; and it is further

[¶3] **ORDERED** that Appellant’s Motion for Remand, e-filed herein July 24, 2015, be, and hereby is, granted. This matter is remanded to the district court for a new trial.

[¶4] **DATED** this 19th day of August, 2015.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice