

IN THE SUPREME COURT, STATE OF WYOMING

2016 WY 39

October Term, A.D. 2015

March 30, 2016

JOSE D. OLIVERES,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-15-0275

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 guilty plea to one count of sexual abuse of a minor in the first degree. Wyo. Stat. Ann. § 6-2-314(a)(iii). The district court imposed a sentence of 15 to 35 years. Appellant filed this appeal to challenge the district court’s May 15, 2015, “Judgment Upon Plea of Guilty” and its September 14, 2015, “Sentence.”

[¶2] On January 25, 2016, 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). On January 26, this Court entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court ordered that, on or before March 14, 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 notes that Appellant has not filed a *pro se* brief or 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 “Judgment Upon Plea of Guilty” and “Sentence” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s May 15, 2015, “Judgment Upon Plea of Guilty” and its September 14, 2015, “Sentence” be, and the same hereby are, affirmed.

[¶6] **DATED** this 30th day of March, 2016.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice