

***IN THE SUPREME COURT, STATE OF WYOMING***

**2017 WY 51**

***April Term, A.D. 2017***

**May 10, 2017**

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**KEITH E. MATTERI,**

**Appellant  
(Defendant),**

**v.**

**THE STATE OF WYOMING,**

**Appellee  
(Plaintiff).**

**S-16-0257**

**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 unconditional pleas of “*nolo contendere*” to two counts: possession of methamphetamine with intent to deliver and aggravated assault and battery. Wyo. Stat. Ann. § 35-7-1031(a)(i) and § 6-2-502(a)(i). The district court imposed consecutive sentences of 8 to 12 years and 4½ to 6 years. Appellant filed this appeal to challenge the district court’s June 20, 2016, “Judgment Upon Pleas of *Nolo Contendere*” and its September 8, 2016, “Sentence.”

[¶2] On March 9, 2017, 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). This Court entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court ordered that, on or before April 24, 2017, 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.” The Court notes that Appellant did not file 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 Pleas of *Nolo Contendere*” and its “Sentence” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s June 20, 2016, “Judgment Upon Pleas of *Nolo Contendere*” and its September 8, 2016, “Sentence,” which were entered in district court criminal cases 7097 and 7516, be, and the same hereby are, affirmed.

**DATED** this 10<sup>th</sup> day of May, 2017.

**BY THE COURT:**

/s/

**E. JAMES BURKE**  
**Chief Justice**