

IN THE SUPREME COURT, STATE OF WYOMING

2017 WY 138

October Term, A.D. 2017

November 22, 2017

CHARLES KENZELL CARTER,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-17-0185

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 “no contest” plea to one count of second degree murder. Wyo. Stat. Ann. § 6-2-104. The district court imposed a sentence of 40 to 80 years. Appellant filed this appeal to challenge the district court’s April 20, 2017, “Judgment and Sentence.”

[¶2] On September 15, 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 subsequently entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief.” This Court ordered that, on or before November 2, 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 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 and Sentence” should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the district court’s April 20, 2017, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶6] **DATED** this 22nd day of November, 2017.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice