

IN THE SUPREME COURT, STATE OF WYOMING

2018 WY 17

October Term, A.D. 2017

February 14, 2018

**CHRISTOPHER JAMES McLEAN
FISHER,**

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-17-0235

ORDER AFFIRMING THE DISTRICT COURT’S JUDGMENT AND SENTENCE

[¶1] **This matter** came before the Court upon its own motion following receipt of Appellant’s *pro se* pleading. Pursuant to a plea agreement, Appellant entered an unconditional *Alford* guilty plea to one count of second degree murder. Wyo. Stat. Ann. § 6-2-104. The district court imposed a sentence of 20 to 40 years. Appellant filed this appeal to challenge the district court’s June 29, 2017, “Judgment and Sentence.”

[¶2] On October 27, 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 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.” On January 24, 2018, Appellant filed a *pro se* pleading titled, “Appellant’s Brief in Opposition to ‘Brief of Appellant Pursuant to *Anders v. California*, 386 U.S. 738 (1967).”

[¶3] Now, following a careful review of the record, the “*Anders* brief” submitted by appellate counsel, and Appellant’s *pro se* pleading, this Court finds that appellate counsel’s motion to withdraw should be granted and the district court’s “Judgment and Sentence” should be affirmed. With respect to Appellant’s *pro se* pleading, this Court finds that Appellant’s opposition does not provide any reason to believe that appellate counsel filed an inadequate *Anders* brief. Instead, this Court finds that, based on the record extant, the *Anders* brief adequately discusses and refutes the potential issues here. Finally, for the sake of clarification, this Court notes it reviewed the portion of the change of plea transcript that was filed under seal. It is, therefore,

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

[¶5] **ORDERED** that the district court’s June 29, 2017, “Judgment and Sentence” be, and the same hereby is, affirmed.

[¶6] **DATED** this 14th day of February, 2018.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice