

IN THE SUPREME COURT, STATE OF WYOMING

2020 WY 53

April Term, A.D. 2020

April 29, 2020

ISMAEL RUIZ,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-20-0007

**ORDER AFFIRMING THE DISTRICT COURT’S
“SENTENCE ON PROBATION REVOCATION”**

[¶ 1] **This matter** came before the Court upon its own motion after Appellant filed a *pro se* brief. Appellant took this appeal to challenge the district court’s October 23, 2019, “Order of Revocation of Probation.” Appellant admitted he violated his probation. The district court revoked probation and imposed the underlying seven to ten-year sentence on Appellant’s conviction on one count of aggravated assault and battery. Wyo. Stat. Ann. § 6-2-502(a)(i). Appellant entered an unconditional guilty plea to that charge.

[¶ 2] On February 27, 2020, 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). This Court subsequently entered an “Order Granting Motion for Extension of Time to File *Pro Se* Brief,” which provided that Appellant “may file with this Court a *pro se* brief specifying the issues he would like the 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. Appellant filed his *pro se* brief on April 15, 2020.

[¶ 3] Now, following a careful review of the record, the “*Anders* brief” submitted by appellate counsel, and Appellant’s *pro se* brief, this Court finds that appellate counsel’s motion to withdraw should be granted and the district court’s “Order of Revocation of Probation” should be affirmed. Regarding the *pro se* brief, this Court notes many of Appellant’s claims relate to the validity of the conviction. Those claims are not properly made in this appeal from a probation revocation. It is, therefore,

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

[¶ 5] **ORDERED** that the Sweetwater County District Court’s October 23, 2019, “Order of Revocation of Probation,” be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 29th day of April, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice