

IN THE SUPREME COURT, STATE OF WYOMING

2020 WY 107

April Term, A.D. 2020

August 19, 2020

SAMUEL COLE FOSTER,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-20-0091

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 in the time allotted. Pursuant to a plea agreement, Appellant entered an unconditional “no contest” plea to one count of sexual abuse of a minor in the third degree. Wyo. Stat. Ann. § 6-2-316(a)(i). The district court imposed a five to seven-year sentence, which was suspended in favor of a split sentence of one year in jail followed by three years of supervised probation. Appellant filed this appeal to challenge the district court’s January 15, 2020, “Order After Change of Plea Hearing Judgment and Sentence.”

[¶ 2] On June 15, 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 ordered 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’s *pro se* brief was due for filing on or before July 30, 2020. 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 and sentence should be affirmed. It is, therefore,

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

[¶ 5] **ORDERED** that the Johnson County District Court’s January 15, 2020, “Order After Change of Plea Hearing Judgment and Sentence” be, and the same hereby is, affirmed.

[¶ 6] **DATED** this 19th day of August, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice