

IN THE SUPREME COURT, STATE OF WYOMING

2021 WY 136

October Term, A.D. 2021

December 8, 2021

RODNEY HAYES SMITH, II,

**Appellant
(Defendant),**

v.

S-21-0095

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

ORDER AFFIRMING THE DISTRICT COURT’S JUDGMENT AND SENTENCE

[¶1] **This matter** came before the Court upon its own motion following filing of Appellant’s *pro se* brief. Pursuant to a plea agreement, Appellant entered an unconditional guilty plea to one count of voluntary manslaughter. He was also adjudicated a habitual criminal. Wyo. Stat. Ann. § 6-2-105(a)(i); § 6-10-201(b)(i). The district court imposed a 40 to 50 year sentence. Appellant filed this appeal to challenge the district court’s March 3, 2021 Judgment and Sentence.

[¶2] On June 10, 2021, 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 which specifies the issues for 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 November 19, 2021. In it, he requests to appear in this Court in person to present his case. However, “a prisoner has no absolute right to argue his own appeal or even to be present at the proceedings in an appellate court.” *Faretta v. California*, 422 U.S. 806, 842, 95 S.Ct. 2525, 2544, 45 L.Ed.2d 562 (1975).

[¶3] Now, following a careful review of Appellant’s *pro se* brief, the *Anders* brief submitted by appellate counsel, and the record, this Court finds 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 Rodney Hayes Smith, II, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶5] **ORDERED** that the Natrona County District Court’s March 3, 2021 Judgment and Sentence be, and the same hereby is, affirmed.

[¶6] **DATED** this 8th day of December, 2021.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice