

IN THE SUPREME COURT, STATE OF WYOMING

2023 WY 45

April Term, A.D. 2023

May 10, 2023

DAVID A. GARRISON,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-23-0017

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. Appellant entered an unconditional guilty plea to one count of possession of marijuana, a third or subsequent offense felony. Wyo. Stat. Ann. § 35-7-1031(c)(i)(A). The district court imposed a sentence of one to three years. Appellant filed this appeal to challenge the district court's November 30, 2022, Sentence.

[¶2] On March 9, 2023, 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 April 24, 2023, Appellant was permitted to 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 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 appellate counsel's motion to withdraw should be granted and the district court's Sentence should be affirmed. It is, therefore,

[¶4] **ORDERED** that the caption in this appeal has been amended to be consistent with the district court's caption regarding Appellant's middle name; and it is further

[¶5] **ORDERED** that the Wyoming Public Defender's Office, court-appointed counsel for Appellant David A. Garrison, is hereby permitted to withdraw as counsel of record for Appellant; and it is further

[¶6] **ORDERED** that the Crook County District Court's November 30, 2022, Sentence be, and the same hereby is, affirmed.

[¶7] **DATED** this 10th day of May, 2023.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice