

IN THE SUPREME COURT, STATE OF WYOMING

2024 WY 21

October Term, A.D. 2023

February 21, 2024

DANIEL E. BORJA, SR.,

**Appellant
(Defendant),**

v.

S-23-0242

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

**ORDER AFFIRMING THE DISTRICT COURT'S
ORDER REVOKING PROBATION**

[¶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. Appellant took this appeal to challenge the district court's August 2, 2023, Order Following Disposition of Revocation of Probation Hearing. The Court notes that order was later corrected *nunc pro tunc*. Appellant admitted he violated his probation. The district court revoked probation and imposed a split sentence on Appellant's conviction for taking a controlled substance into a jail. Wyo. Stat. Ann. § 6-5-208; *Borja v. State*, 2023 WY 12, 523 P.3d 1212 (Wyo. 2023).

[¶2] On December 18, 2023, 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. This Court ordered that, on or before February 1, 2024, Appellant may file with this Court a *pro se* brief specifying 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. This Court notes that 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 order revoking probation should be affirmed. It is, therefore,

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

[¶5] **ORDERED** that the Niobrara County District Court’s August 2, 2023, “Order Following Disposition of Revocation of Probation Hearing,” be, and the same hereby is, affirmed.

[¶6] **DATED** this 21st day of February, 2024.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice