



ORIGINAL

FILED

04/26/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0200

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0200

FILED

APR 26 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

TIMOTHY GALE MUNYAN,

Defendant and Appellant.

Counsel for the Appellant Timothy Gale Munyan filed a motion and brief asking to be allowed to withdraw from this appeal on grounds that counsel has been unable to find any nonfrivolous issues to raise on appeal, pursuant to § 46-8-103(2), MCA, and *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967). Munyan was granted time to file a response, but no response was filed.

The Court has now independently examined the record pursuant to § 46-8-103(2), MCA, and *Anders*. In reviewing appellate counsel's *Anders* brief, we determined that counsel failed to adequately examine the record as the submitted brief contains no facts or legal analysis of any matters which occurred subsequent to the jury verdict.

Our examination of the sentencing phase of the record indicates that nonfrivolous issues may exist on appeal. We direct counsel to review the complete record on appeal. We specifically direct counsel to examine whether the District Court's written judgment conforms with its oral pronouncement of sentence and to examine the District Court's rulings regarding the fines, fees, costs, and surcharges imposed in Condition 13 of the Judgment and Sentence.

Therefore,

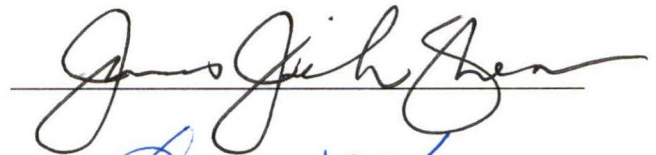
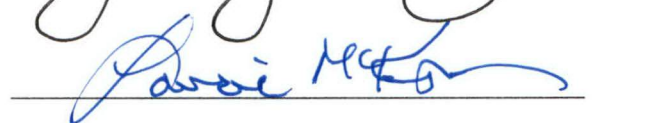
IT IS ORDERED that counsel's motion to be allowed to withdraw is DENIED.

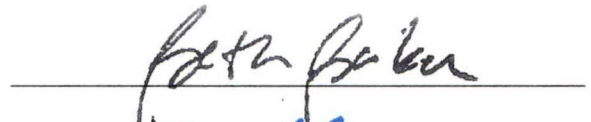

IT IS FURTHER ORDERED that Appellant's opening brief shall be due within thirty days of the date of this Order.


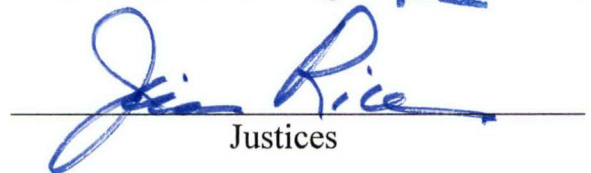
The Clerk is directed to provide copies of this Order to all counsel of record and to Munyan personally.

DATED this 26 day of April, 2022.


Chief Justice



Justices