

SUPREME COURT OF WYOMING

Taylor Forrest Cobb v. The State of Wyoming

2013 WY 142 (Wyo. 2013) · No. S-13-0175 · Decided November 14, 2013

SUMMARY

The Wyoming Supreme Court reversed and vacated Taylor Forrest Cobb’s felony conviction for possession of cocaine because the district court failed to provide the full firearms-rights and employment-consequences advisement required by Wyo. Stat. Ann. § 7-11-507(a)(ii). The matter was remanded for proceedings consistent with the order.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Marilyn S. Kite, Chief Justice
JURISDICTION	Wyoming
DECIDED	November 14, 2013
DOCKET	S-13-0175
DISPOSITION	reversed
PROCEDURAL POSTURE	The appellant pleaded guilty to felony possession of cocaine and two misdemeanor possession offenses. After the appellant challenged the felony conviction for failure to receive the firearms-rights advisement required by Wyoming law, the parties filed a stipulated motion for reversal and remand.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court order; precedential treatment is not otherwise specified in the text.
PARTIES	Taylor Forrest Cobb v. The State of Wyoming

TOPICS

- criminal procedure
- appellate procedure
- statutory interpretation
- sentencing

PRACTICE AREAS

- criminal procedure
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court could enter judgment on Cobb's guilty plea without advising him that a conviction could cause him to lose the right to engage in an occupation requiring the carrying or possession of a firearm under Wyo. Stat. Ann. § 7-11-507(a)(ii).
2. Whether the felony possession-of-cocaine conviction and sentence should be reversed and vacated because the required advisement was omitted.

HOLDINGS

1. An advisement that informs a defendant of the potential federal loss of firearm privileges satisfies § 7-11-507(a)(i), but does not satisfy § 7-11-507(a)(ii) unless it also advises that a defendant who works in an occupation requiring firearm possession may lose the right to engage in that profession or occupation.
2. Cobb's felony possession-of-cocaine conviction and sentence must be reversed and vacated because the district court entered judgment without providing the complete advisement required by Wyo. Stat. Ann. § 7-11-507.

KEY QUOTATIONS

“the legislature directed that no judgment of conviction be entered without advisement as to the potential loss of firearms privileges and its effect on employment in occupations requiring an employee to possess a gun.”
(¶3)

FACTUAL BACKGROUND

Cobb pleaded guilty to felony possession of cocaine and misdemeanor possession of marijuana and heroin. Before entering his pleas, he was advised that a felony conviction could result in loss of his federal right to possess firearms. The district court entered judgment and sentence on July 31, 2013, but the advisement did not address the possible loss of employment or occupational rights for persons whose professions require carrying or possessing firearms.

PROCEDURAL HISTORY

The district court entered judgment and sentence on July 31, 2013, after Cobb pleaded guilty to possession of cocaine, marijuana, and heroin. The Wyoming Supreme Court considered the parties' stipulated motion for reversal and remand and reversed and vacated the felony cocaine-possession conviction and sentence.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The matter is remanded to the district court for proceedings consistent with the order.

CASES CITED

- *Balderson v. State*, 2013 WY 107, ¶ 21, 309 P.3d 809 (Wyo. 2013)

- Starrett v. State, 2012 WY 133, 286 P.3d 1033 (Wyo. 2012)

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