

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

People v. Walters

2020 NY Slip Op 05538 (App. Div. 2020) · No. 2018-11585; 2018-11586; 2018-11588 · Decided October 7, 2020

SUMMARY

The Appellate Division, Second Department affirmed three judgments convicting John Walters, upon his guilty pleas, of offenses involving criminal possession or attempted possession of forged instruments. The court granted assigned counsel's motion to withdraw under *Anders v. California* after independently determining that no nonfrivolous appellate issues existed.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per curiam; William F. Mastro, J.P.; John M. Leventhal, J.; Robert J. Miller, J.; Colleen D. Duffy, J.; Hector D. LaSalle, J.
JURISDICTION	New York
DECIDED	October 7, 2020
DOCKET	2018-11585; 2018-11586; 2018-11588
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from three judgments of the Supreme Court, Kings County, convicting him upon guilty pleas and imposing sentences. Assigned appellate counsel filed an <i>Anders</i> brief and moved for leave to withdraw.
STANDARD OF REVIEW	Independent review of the record for nonfrivolous issues under <i>Anders v. California</i> .
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	John Walters v. The People of the State of New York

TOPICS

- appellate procedure
- right to counsel
- criminal procedure
- standard of review

PRACTICE AREAS

criminal procedure

appellate procedure

right to counsel

QUESTIONS PRESENTED

1. Whether assigned appellate counsel's Anders brief was sufficient and whether the record contained any nonfrivolous issues warranting appellate relief.
2. Whether assigned counsel should be granted leave to withdraw under *Anders v. California*.

HOLDINGS

1. After independently reviewing the record, the court concluded that no nonfrivolous issues could be raised on appeal.
2. The court granted assigned counsel's application for leave to withdraw because the Anders brief was sufficient and no nonfrivolous appellate issues existed.

KEY QUOTATIONS

"We are satisfied with the sufficiency of the brief filed by the defendant's assigned counsel pursuant to Anders v California (386 US 738), and, upon an independent review of the record, we conclude that there are no nonfrivolous issues which could be raised on appeal." (*1)

FACTUAL BACKGROUND

John Walters pleaded guilty in three Kings County criminal matters. The convictions involved criminal possession of a forged instrument in the third degree under Indictment No. 2418/17, attempted criminal possession of a forged instrument in the second degree under Indictment No. 2540/18, and criminal possession of a forged instrument in the third degree under Superior Court Information No. 5666/18. The Supreme Court imposed sentences on August 16, 2018.

PROCEDURAL HISTORY

The Supreme Court, Kings County, entered three judgments on August 16, 2018, following defendant's guilty pleas to offenses involving possession or attempted possession of forged instruments. On appeal, assigned counsel submitted a brief under *Anders v. California* and sought permission to withdraw. The Appellate Division independently reviewed the record, found no nonfrivolous appellate issues, granted counsel's motion, and affirmed all three judgments.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738
- *Matter of Giovanni S. [Jasmin A.]*, 89 A.D.3d 252

- People v. Bonner, 73 A.D.3d 799
- People v. Montalvo, 28 A.D.3d 793
- People v. Robinson, 303 A.D.2d 693
- People v. Gonzalez, 47 N.Y.2d 606

OPINION

PER CURIAM.

People v Walters (2020 NY Slip Op 05538) People v Walters 2020 NY Slip Op 05538 Decided on October 7, 2020 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on October 7, 2020 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department WILLIAM F. MASTRO, J.P.

JOHN M. LEVENTHAL ROBERT J. MILLER COLLEEN D. DUFFY HECTOR D. LASALLE, JJ. 2018-11585 2018-11586 2018-11588 [*1]The People of the State of New York, respondent, vJohn Walters, appellant. (Ind. Nos. 2418/17, 2540/18; S.C.I. No. 5666/18) Paul Skip Laisure, New York, NY (Lynn W. L. Fahey of counsel), for appellant. Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Jodi L. Mandel of counsel), for respondent.

DECISION & ORDER Appeals by the defendant from three judgments of the Supreme Court, Kings County (Suzanne Mondo, J., at pleas; William Miller, J., at sentences), all rendered August 16, 2018, convicting him of criminal possession of a forged instrument in the third degree under Indictment No. 2418/17, attempted criminal possession of a forged instrument in the second degree under Indictment No. 2540/18, and criminal possession of a forged instrument in the third degree under Superior Court Information No. 5666/18, upon his pleas of guilty, and imposing sentences.

Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which he moves for leave to withdraw as counsel for the appellant. ORDERED that the judgments are affirmed. We are satisfied with the sufficiency of the brief filed by the defendant's assigned counsel pursuant to *Anders v California* (386 US 738), and, upon an independent review of the record, we conclude that there are no nonfrivolous issues which could be raised on appeal.

Counsel's application for leave to withdraw as counsel is, therefore, granted (see *id.*; *Matter of Giovanni S. [Jasmin A.]*, 89 AD3d 252; *People v Bonner*, 73 AD3d 799; *People v Montalvo*, 28 AD3d 793; *People v Robinson*, 303 AD2d 693; cf. *People v Gonzalez*, 47 NY2d 606). MASTRO, J.P., LEVENTHAL, MILLER, DUFFY and LASALLE, JJ., concur. ENTER: Aprilanne Agostino Clerk of the Court

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