

**APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW
YORK, FIRST DEPARTMENT**

People v. McDaniels-Payne

2020 N.Y. Slip Op. 01715 (App. Div. 2020) · No. 11266; 1054/16 · Decided March 12, 2020

OPINION

PER CURIAM.

People v McDaniels-Payne (2020 NY Slip Op 01715) People v McDaniels-Payne 2020 NY Slip Op 01715 Decided on March 12, 2020 Appellate Division, First 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 March 12, 2020 Friedman, J.P., Kapnick, Oing, González, JJ. 11266 1054/16 [*1] The People of the State of New York, Respondent, vJoshua McDaniels-Payne, Defendant-Appellant.

Janet E. Sabel, The Legal Aid Society, New York (Paul Wiener of counsel), for appellant. Judgment, Supreme Court, New York County (Charles H. Solomon, J.), rendered October 4, 2017, unanimously affirmed. Application by defendant's counsel to withdraw as counsel is granted (see *Anders v California*, 386 U.S. 738 [1967]; *People v Saunders*, 52 AD2d 833 [1st Dept 1976]).

We have reviewed this record and agree with defendant's assigned counsel that there are no non-frivolous points which could be raised on this appeal. Pursuant to Criminal Procedure Law § 460.20, defendant may apply for leave to appeal to the Court of Appeals by making application to the Chief Judge of that Court and by submitting such application to the Clerk of that Court or to a Justice of the Appellate Division of the Supreme Court of this Department on reasonable notice to the respondent within thirty (30) days after service of a copy of this order.

Denial of the application for permission to appeal by the judge or justice first applied to is final and no new application may thereafter be made to any other judge or justice. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: MARCH 12, 2020 CLERK