

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

People v. Caceras

2022 N.Y. Slip Op. 03181 (App. Div. 2022) · No. Appeal No. 15932; Case No. 2019-04668; Ind. No. 2249/17 · Decided May 12, 2022

SUMMARY

The Appellate Division, First Department unanimously affirmed the Bronx County Supreme Court judgment against Edwin Caceras. The court granted assigned counsel’s application to withdraw under *Anders v. California*, finding no nonfrivolous issues for appeal, and advised defendant of the procedure for seeking leave to appeal to the New York Court of Appeals.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Gische, J.P.; Scarpulla, J.; Mendez, J.; Shulman, J.; Higgitt, J.
JURISDICTION	New York
DECIDED	May 12, 2022
DOCKET	Appeal No. 15932; Case No. 2019-04668; Ind. No. 2249/17
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, rendered May 31, 2019. Appointed appellate counsel moved to withdraw under <i>Anders v. California</i> , and the Appellate Division independently reviewed the record.
STANDARD OF REVIEW	Independent appellate review of the record under <i>Anders v. California</i> to determine whether any nonfrivolous issue exists for appeal.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Edwin Caceras v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether appellate counsel should be permitted to withdraw under *Anders v. California* because the record presented no nonfrivolous issues.
2. Whether the judgment of Supreme Court, Bronx County, should be affirmed.

HOLDINGS

1. Appellate counsel's application to withdraw was granted because review of the record disclosed no nonfrivolous points that could be raised on appeal.
2. The judgment of Supreme Court, Bronx County, was unanimously affirmed.

KEY QUOTATIONS

"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." ([*1])

FACTUAL BACKGROUND

The opinion concerns a criminal judgment entered against Edwin Caceras in Supreme Court, Bronx County. On appeal, assigned counsel concluded that no nonfrivolous points could be raised and sought permission to withdraw. The Appellate Division reviewed the record and agreed with counsel's assessment.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, entered judgment against Edwin Caceras on May 31, 2019. On appeal, assigned counsel applied to withdraw, asserting that no nonfrivolous issues could be raised. The Appellate Division agreed after reviewing the record, granted the withdrawal application, and unanimously affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *People v. Saunders*, 52 A.D.2d 833 (1st Dep't 1976)

OPINION

PER CURIAM.

People v Caceras (2022 NY Slip Op 03181) People v Caceras 2022 NY Slip Op 03181 Decided on May 12, 2022 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 and Entered: May 12, 2022 Before: Gische, J.P., Scarpulla, Mendez, Shulman, Higgitt, JJ. Ind. No. 2249/17 Appeal No. 15932 Case No. 2019-04668 [*1]The People of the State of New York, Respondent, vEdwin Caceras, Defendant-Appellant.

Janet E. Sabel, The Legal Aid Society, New York (Heidi Bota), for appellant. Judgment, Supreme Court, Bronx County (Ralph A. Fabrizio, J.), rendered May 31, 2019, unanimously affirmed. Application by defendant's counsel to withdraw as counsel is granted (see *Anders v California*, 386 US 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: May 12, 2022