

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

People v. Foster

2026 NY Slip Op 01985 (N.Y. Ct. App. 2026) · No. 2022-02080 · Decided April 1, 2026

SUMMARY

The Appellate Division, Second Department affirmed a judgment convicting Wesley Foster of robbery in the third degree following his guilty plea. The court found that assigned counsel’s Anders brief was sufficient, determined that no nonfrivolous appellate issues existed, and granted counsel’s motion to withdraw.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Cheryl E. Chambers, J.; Janice A. Taylor, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	April 1, 2026
DOCKET	2022-02080
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Kings County, convicting him of robbery in the third degree upon his guilty plea and imposing sentence. Assigned appellate counsel filed an Anders brief and moved for leave to withdraw.
STANDARD OF REVIEW	Independent review of the record for nonfrivolous issues under Anders v. California.
PRECEDENTIAL VALUE	published
PARTIES	Wesley Foster v. The People of the State of New York

TOPICS

- appellate procedure
- right to counsel
- criminal procedure

PRACTICE AREAS

criminal appellate procedure

right to counsel

QUESTIONS PRESENTED

1. Whether assigned appellate counsel's Anders brief was sufficient and whether independent review of the record disclosed any nonfrivolous issue for appeal.
2. Whether counsel should be granted leave to withdraw and the judgment of conviction affirmed.

HOLDINGS

1. The Anders brief was sufficient, and independent review of the record disclosed no nonfrivolous issue that could be raised on appeal.
2. The judgment was affirmed, and assigned counsel's application for leave to withdraw was granted.

KEY QUOTATIONS

*“there are no nonfrivolous issues which could be raised on appeal.” (*1)*

FACTUAL BACKGROUND

Wesley Foster was convicted of robbery in the third degree after pleading guilty in the Supreme Court, Kings County. The court imposed sentence in a judgment rendered March 3, 2022. On appeal, assigned counsel concluded that no nonfrivolous issue could be raised and filed an Anders brief seeking leave to withdraw.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered judgment on March 3, 2022, after Wesley Foster pleaded guilty to robbery in the third degree and was sentenced. 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 issue, granted counsel's motion, and affirmed the judgment.

DISPOSITION

affirmed

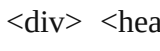
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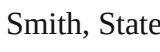
- Anders v. California, 386 U.S. 738
- Matter of Giovanni S. [Jasmin A.], 89 A.D.3d 252

OPINION

PER CURIAM.

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People v Foster

2026 NY Slip Op 01985
April 1, 2026
Appellate Division,
Second Department
Published by New York State Law Reporting Bureau pursuant to
Judiciary Law § 431.
This decision is uncorrected and subject to revision before
publication in the Official Reports.
The People of the State of New York,
respondent,
v
Wesley Foster, appellant.
Supreme Court of the
State of New York, Appellate Division, Second Judicial Department
Decided on April 1,
2026
2022-02080, (Ind.

No. 8795/18)
Betsy Barros, J.P.
Cheryl E. Chambers
Janice A. Taylor
Elena Goldberg Velazquez, JJ.
Patricia Pazner, New York, NY
(Joshua M. Levine of counsel), for appellant.
Eric Gonzalez, District Attorney, Brooklyn,
NY (Leonard Joblove and Morgan J. Dennehy of counsel; Robert Ho on the brief), for respondent.
DECISION & ORDER
Appeal by the defendant
from a judgment of the Supreme Court, Kings County (Dineen Riviezzo, J.), rendered March 3,
2022, convicting him of robbery in the third degree, upon his plea of guilty, and imposing
sentence.

Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which she moves for leave to withdraw as counsel for the appellant.
ORDERED
that the judgment is 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).
BARROS, J.P.,
CHAMBERS, TAYLOR and GOLDBERG VELAZQUEZ, JJ., concur.
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