

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

People v. Vilchez-Salazar

2025 NY Slip Op 06739 (N.Y. Ct. App. 2025) · No. 2021-09295 · Decided December 3, 2025

SUMMARY

The New York Appellate Division, Second Department affirmed the defendant's judgment of conviction for criminal sexual act in the second degree following a guilty plea. 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	Lara J. Genovesi, J.P.; Lillian Wan, J.; Janice A. Taylor, J.; Donna-Marie E. Golia, J.
JURISDICTION	New York Appellate Division, Second Department
DECIDED	December 3, 2025
DOCKET	2021-09295
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a County Court judgment convicting her, upon her guilty plea, of criminal sexual act in the second degree and imposing sentence. Assigned appellate counsel filed an <i>Anders</i> brief and moved for leave to withdraw.
STANDARD OF REVIEW	Independent review of the record following submission of an <i>Anders</i> brief to determine whether any nonfrivolous issue could be raised on appeal.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Jaklinne Vilchez-Salazar v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

criminal appellate practice

criminal 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 that could be raised on appeal.
2. Whether the County Court judgment convicting the defendant upon her guilty plea and imposing sentence should be 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 convicting the defendant upon her guilty plea and imposing sentence is affirmed.

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."

FACTUAL BACKGROUND

The defendant was convicted of criminal sexual act in the second degree after pleading guilty. The County Court imposed sentence in a judgment rendered on November 19, 2021. The appellate record was reviewed in connection with assigned counsel's Anders brief and motion to withdraw.

PROCEDURAL HISTORY

The County Court of Orange County rendered judgment on November 19, 2021. 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 withdrawal application, and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738
- Matter of Giovanni S. [Jasmin A.], 89 A.D.3d 252
- People v. Paige, 54 A.D.2d 631
- People v. Gonzalez, 47 N.Y.2d 606

OPINION

PER CURIAM.

People v Vilchez-Salazar (2025 NY Slip Op 06739) People v Vilchez-Salazar 2025 NY Slip Op 06739 Decided on December 3, 2025 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 December 3, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department LARA J. GENOVESI, J.P.

LILLIAN WAN JANICE A. TAYLOR DONNA-MARIE E. GOLIA, JJ. 2021-09295 (Ind. No. 708/19) [*1]The People of the State of New York, respondent, v Jaklinne Vilchez-Salazar, appellant. Christopher Brennan Sevier, Montgomery, NY, for appellant. David M. Hoovler, District Attorney, Goshen, NY (Andrew R. Kass of counsel; Rivka Mandel on the brief), for respondent. DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Orange County (William L. DeProspero, J.), rendered November 19, 2021, convicting her of criminal sexual act in the second degree, upon her plea of guilty, and imposing sentence.

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 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; *People v Paige*, 54 AD2d 631; cf. *People v Gonzalez*, 47 NY2d 606). GENOVESI, J.P., WAN, TAYLOR and GOLIA, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court