

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

People v. Wilhelm

2022 NY Slip Op 07206 (N.Y. Ct. App. 2022) · No. Ind. No. 972/15; Appeal No. 16317; Case No. 2016-857 · Decided December 20, 2022

SUMMARY

The Appellate Division, First Department, unanimously affirmed the Bronx County Supreme Court judgment convicting Miguel Wilhelm. The court granted appointed counsel's motion to withdraw under *Anders v. California*, concluding that the appeal presented no nonfrivolous issues, and described the procedure for seeking leave to appeal to the 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.; Friedman, J.; Scarpulla, J.; Rodriguez, J.; Higgitt, J.
JURISDICTION	New York
DECIDED	December 20, 2022
DOCKET	Ind. No. 972/15; Appeal No. 16317; Case No. 2016-857
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, and his assigned counsel moved to withdraw under <i>Anders v. California</i> .
STANDARD OF REVIEW	The court independently reviewed the record in accordance with <i>Anders v. California</i> to determine whether any nonfrivolous appellate issue existed.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Miguel Wilhelm, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

criminal appellate practice

appellate procedure

right to counsel

QUESTIONS PRESENTED

1. Whether assigned appellate counsel should be permitted to withdraw under *Anders v. California* because the record presented no nonfrivolous issue.
2. Whether the judgment should be affirmed after the appellate court's independent review of the record.

HOLDINGS

1. Counsel's application to withdraw was granted because the court agreed that the record presented 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."

FACTUAL BACKGROUND

The opinion does not describe the underlying criminal conduct or trial evidence. It identifies only the existence of a judgment rendered by Supreme Court, Bronx County, on June 8, 2015, from which defendant appealed.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, rendered judgment on June 8, 2015. On appeal, assigned counsel sought permission to withdraw, asserting that no nonfrivolous issues existed. The Appellate Division reviewed the record, granted counsel's 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)

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