

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

People v. Fragoso

Fragoso, 2026 NY Slip Op 03822 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2025-05757 · Decided June 17, 2026

SUMMARY

The Appellate Division, Second Department granted assigned counsel's motion to withdraw under *Anders v. California* after finding that counsel's brief was deficient because it failed to adequately analyze potential appellate issues with supporting legal authority and record references. The court assigned new counsel to represent Dennys Fragoso in his appeal from a judgment convicting him, upon his guilty plea, of first-degree manslaughter.

OPINION

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PER CURIAM.

People v Fragoso - 2026 NY Slip Op 03822 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Fragoso 2026 NY Slip Op 03822 June 17, 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 Dennys Fragoso, appellant. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 17, 2026 2025-05757, (Ind. No. 70107/23) Colleen D. Duffy, J.P. Linda Christopher Carl J. Landicino Laurence L. Love, JJ. Martin Geoffrey Goldberg, Franklin Square, NY, for appellant. Anne T. Donnelly, District Attorney, Mineola, NY (Autumn S. Hughes and Jared A. Chester of counsel), for respondent. [*1] DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Nassau County (Robert A. Schwartz, J.), rendered November 13, 2024, convicting him of manslaughter in the first 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 he moves for leave to withdraw as counsel for the appellant. ORDERED that the motion of Martin Geoffrey Goldberg for leave to withdraw as counsel for the appellant is granted, and he is directed to turn over all papers in his possession to a new counsel as assigned herein; and it is further, ORDERED that Jillian S. Harrington, P.O. Box 131621, Staten Island, NY, 10313, is assigned as counsel to prosecute the appeal; and it is further, ORDERED that the respondent is directed to

furnish a copy of the certified transcript of the proceedings to the appellant's new assigned counsel; and it is further, ORDERED that the new counsel shall serve and file a brief on behalf of the appellant within 90 days of this decision and order on motion, and the respondent shall serve and file its brief within 30 days after the brief on behalf of the appellant is served and filed. By prior decision and order on motion of this Court dated June 23, 2025, pursuant to CPL 380.55(2), this Court directed that the appeal be heard on the original papers, including a certified transcript of the proceedings, and on the briefs on the parties. The parties are directed to upload, through the digital portal on this Court's website, digital copies of their respective briefs, with proof of service of one hard copy on each other (see 22 NYCRR 670.9[a]). In reviewing an attorney's motion to be relieved pursuant to *Anders v California* (386 US 738), this Court must first satisfy itself that the attorney has provided the client with a diligent and thorough search of the record for any arguable claim that might support the client's appeal (see *People v Burks* , 247 AD3d 1053 , 1054). To be adequate, assigned counsel's brief must discuss relevant evidence, with specific references to the record; identify and assess the efficacy of any significant objections, applications, or motions; and identify possible issues for appeal, with [*2] references to the facts of the case and relevant legal authority (see *People v Stanley* , 243 AD3d 596 , 597). Counsel cannot merely recite the underlying facts and state a bare conclusion that, after reviewing the record and discussing the case with the client, it is the writer's opinion that there are no nonfrivolous issues to be raised on appeal (see *People v Burks* , 247 AD3d at 1054). Where counsel has failed in their role as advocate by filing a deficient brief, on this basis alone, new counsel will be assigned to represent the appellant on the appeal (see *id.*). Here, the brief submitted by assigned counsel pursuant to *Anders v California* is deficient because it fails to analyze potential appellate issues with reference to legal authority or highlight facts in the record that might arguably support the appeal (see *People v Haynesworth* , 240 AD3d 512 , 513; *People v Reyes-Fuentes* , 228 AD3d 686 , 688). With regard to those issues identified in the brief that could be raised on the defendant's behalf, the analysis lacks supporting legal authority (see *People v Haynesworth* , 240 AD3d at 513). Since the brief does not demonstrate that assigned counsel has fulfilled his obligations under *Anders v California* , we must assign new counsel to represent the appellant (see *People v Burks* , 247 AD3d at 1054-1055). DUFFY, J.P., CHRISTOPHER, LANDICINO and LOVE, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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