

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

People v. Garrett

2026 NY Slip Op 01004 (N.Y. Ct. App. 2026) · No. Ind No. 71726/22; Appeal No. 5866; Case No. 2023-01039 ·
Decided February 19, 2026

SUMMARY

The Appellate Division, First Department, unanimously affirmed Joseph Garrett's criminal judgment from Supreme Court, New York County. The court granted assigned counsel's application to withdraw under *Anders v. California*, finding no non-frivolous issues, and advised that the defendant could seek leave to appeal to the Court of Appeals.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Kapnick, J.; Gesmer, J.; Shulman, J.; Michael, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	February 19, 2026
DOCKET	Ind No. 71726/22; Appeal No. 5866; Case No. 2023-01039
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, New York County. Assigned appellate counsel moved to withdraw under <i>Anders v. California</i> , asserting that no nonfrivolous appellate issues existed.
STANDARD OF REVIEW	The court reviewed the appellate record to determine whether any nonfrivolous issue existed and independently agreed with assigned counsel's <i>Anders</i> assessment.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Joseph Garrett v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether assigned appellate counsel should be permitted to withdraw under *Anders v. California* after determining that the appeal presented no nonfrivolous issues.
2. Whether the judgment of Supreme Court, New York County, should be affirmed.

HOLDINGS

1. Assigned appellate counsel may withdraw under *Anders v. California* where the court reviews the record and agrees that there are no nonfrivolous issues that could be raised on appeal.
2. The judgment of Supreme Court, New York County, rendered October 19, 2022, 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 provides no substantive facts concerning the underlying offense or judgment. It identifies a judgment of Supreme Court, New York County, rendered October 19, 2022, from which Joseph Garrett appealed.

PROCEDURAL HISTORY

Supreme Court, New York County, entered judgment against Joseph Garrett on October 19, 2022. Garrett appealed, and his assigned counsel applied to withdraw. The Appellate Division reviewed the record, agreed that no nonfrivolous issues could be raised, 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

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PER CURIAM.

People v Garrett (2026 NY Slip Op 01004) People v Garrett 2026 NY Slip Op 01004 Decided on

February 19, 2026 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: February 19, 2026 Before: Webber, J.P., Kapnick, Gesmer, Shulman, Michael, JJ. Ind No. 71726/22|Appeal No. 5866|Case No. 2023-01039| [*1]The People of The State of New York, Respondent, v Joseph Garrett, Defendant-Appellant. Twyla Carter, The Legal Aid Society, New York (Lauren E. Jones of counsel), for appellant. Judgment, Supreme Court, New York County (Gregory Carro, J.), rendered October 19, 2022, 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:
February 19, 2026

PER CURIAM.

People v Garrett (2026 NY Slip Op 01004) People v Garrett 2026 NY Slip Op 01004 Decided on February 19, 2026 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: February 19, 2026 Before: Webber, J.P., Kapnick, Gesmer, Shulman, Michael, JJ. Ind No. 71726/22|Appeal No. 5866|Case No. 2023-01039| [*1]The People of The State of New York, Respondent, v Joseph Garrett, Defendant-Appellant. Twyla Carter, The Legal Aid Society, New York (Lauren E. Jones of counsel), for appellant. Judgment, Supreme Court, New York County (Gregory Carro, J.), rendered October 19, 2022, 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

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