

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D15276
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_____AD3d_____

Submitted - April 26, 2007

REINALDO E. RIVERA, J.P.
GLORIA GOLDSTEIN
MARK C. DILLON
EDWARD D. CARNI, JJ.

2006-04124
2006-05420

DECISION & ORDER

In the Matter of Lauren M. Klein, respondent, v
Anthony D. Swindle, appellant.

(Docket No. F-6984-03)

Izhak Ben-Meir, Rye, N.Y., for appellant.

In a child support proceeding pursuant to Family Court Act article 4, the father appeals from (1) an order of the Family Court, Westchester County (Edlitz, J.), entered April 20, 2006, which, after a hearing, inter alia, determined that he willfully failed to obey prior orders of the same court and directed that he be incarcerated for a term of six months unless he purged himself of contempt by paying the sum of \$8,989.46 towards child support arrears, and (2) an order of disposition of the same court also entered April 20, 2006, which, inter alia, fixed the amount of child support arrears at \$8,989.46, and awarded the petitioner a money judgment in the amount of \$1,600. Assigned counsel for the father has submitted a brief in accordance with *Anders v California* (386 US 738), in which he moves to be relieved of the assignment to prosecute the appeals.

ORDERED that the appeal from so much of the order as directed that the father be incarcerated for a term of six months is dismissed as academic, without costs or disbursements, as the period of incarceration has expired; and it is further,

ORDERED that the order is affirmed insofar as reviewed, without costs or disbursements; and it is further,

May 29, 2007

MATTER OF KLEIN v SWINDLE

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ORDERED that the order of disposition is affirmed, without costs or disbursements.

We have reviewed the record and agree with the father's assigned counsel that there are no nonfrivolous issues which could be raised on his appeals. Counsel's application for leave to withdraw as counsel is granted (*see Anders v California*, 386 US 738; *People v Paige*, 54 AD2d 631; *cf. People v Gonzalez*, 47 NY2d 606).

RIVERA, J.P., GOLDSTEIN, DILLON and CARNI, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court