

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

D21051  
C/kmg

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Submitted - October 21, 2008

ROBERT A. SPOLZINO, J.P.  
ANITA R. FLORIO  
WILLIAM E. McCARTHY  
THOMAS A. DICKERSON, JJ.

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2008-01240

DECISION & ORDER

In the Matter of Michael Walsh, respondent,  
v Maryanne Walsh, appellant.

(Docket No. V-4343-07)

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Kenneth M. Tuccillo, Hastings-on-Hudson, N.Y., for appellant.

Mark Diamond, New York, N.Y., attorney for the children.

In a proceeding pursuant to Family Court Act article 6, the mother appeals from an amended order of the Family Court, Orange County (Woods, J.), dated January 18, 2008, which, upon consent of the parties, inter alia, awarded sole custody of the subject children to the father. Assigned counsel 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 this appeal.

ORDERED that the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that assigned counsel's application for leave to withdraw as counsel is dismissed as academic.

The appeal must be dismissed, as no appeal lies from an order entered on consent of the appellant (*see* CPLR 5511).

SPOLZINO, J.P., FLORIO, McCARTHY and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer

November 12, 2008

MATTER OF WALSH v WALSH

Clerk of the Court

November 12, 2008

MATTER OF WALSH v WALSH