

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

D30521
G/kmb

_____AD3d_____

Submitted - March 9, 2011

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2009-05498

DECISION & ORDER ON MOTION

The People, etc., respondent,
v George F. Cardwell, appellant.

(S.C.I. No. 1175/09)

Steven Banks, New York, N.Y. (Bonnie B. Goldberg of counsel), for appellant, and appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Merri Turk Lasky, and Sharon Y. Brodt of counsel; Andrew Dykens and Lorrie A. Zinno on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Chin-Brandt, J.), rendered May 29, 2009, convicting him of attempted criminal possession of a weapon in the second 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 Steven Banks for leave to withdraw as counsel for the appellant is granted, and he is directed to turn over all papers in his possession to new counsel assigned herein; and it is further,

ORDERED that Lynn W. L. Fahey, 2 Rector Street, 10th Floor, New York, N.Y., 10006, telephone number (212) 693-0085, is assigned as counsel to perfect the appeal; and it is further,

March 22, 2011

PEOPLE v CARDWELL, GEORGE F.

Page 1.

ORDERED that the People are directed to furnish a copy of the certified transcript of the proceedings to the new assigned counsel; and it is further,

ORDERED that new counsel shall serve and file a brief on behalf of the defendant within 90 days of the date of this decision and order and the People shall serve and file their brief within 120 days of the date of this decision and order; by prior decision and order of this Court, the defendant was granted leave to prosecute the appeal on the original papers (including the certified transcript of the proceedings) and on the typewritten briefs of the parties, who were directed to file nine copies of their respective briefs and to serve one copy on each other.

Upon this Court's independent review of the record, we conclude that nonfrivolous issues exist concerning, inter alia, the validity of the defendant's waiver of his right to appeal, as well as the validity of the defendant's plea of guilty.

RIVERA, J.P., FLORIO, DICKERSON, HALL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court