

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

D30565
C/hu

_____AD3d_____

Submitted - February 9, 2011

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

2009-02323

DECISION & ORDER ON MOTION

The People, etc., respondent,
v Torrell Stone, appellant.

(Ind. No. 07-00381)

Gary E. Eisenberg, New City, N.Y., for appellant.

Appeal by the defendant from a judgment of the County Court, Rockland County (Kelly, J.), rendered April 9, 2008, convicting him of criminal possession of a controlled substance 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 Gary E. Eisenberg's motion for leave to withdraw as counsel 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 Diane Selker, 701 Nelson Avenue, Peekskill, N.Y., 10566 is assigned as counsel to perfect the appeal; and it is further,

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 appellant 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 on motion of this

March 29, 2011

Page 1.

PEOPLE v STONE, TORRELL

Court, the defendant was granted leave to prosecute the appeal as a poor person, with the appeal to be heard on the original papers (including the certified transcript of the proceedings) and on the 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, including, but not limited to, whether the defendant's plea allocution was sufficient (*see People v Lopez*, 71 NY2d 662; *People v Verdile*, 69 AD3d 661). Accordingly, assignment of new counsel is warranted (*see People v Stokes*, 95 NY2d 633, 638).

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

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court