

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

D33190
H/T/kmb

_____AD3d_____

Submitted - November 17, 2011

MARK C. DILLON, J.P.
RANDALL T. ENG
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2008-02489

DECISION & ORDER

The People, etc., respondent,
v Victor Sowell, appellant.

(Ind. No. 883/87)

Lynn W. L. Fahey, New York, N.Y. (Joshua M. Levine of counsel), for appellant,
and appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Shulamit
Rosenblum Nemecek of counsel), for respondent.

Appeal by the defendant, by permission, from an order of the Supreme Court, Kings
County (Chambers, J.), dated February 4, 2008, which denied that branch of his motion pursuant to
CPL 440.10 which was to vacate a judgment of the same court (Kreindler, J.), rendered March 16,
1988, based upon alleged violations of his rights pursuant to *Brady v Maryland* (373 US 83).
Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in
which she moves to be relieved of the assignment to prosecute this appeal.

ORDERED that the order is affirmed.

We are satisfied with the sufficiency of defense counsel's brief filed pursuant to
Anders v California (386 US 738), and we have also reviewed the defendant's pro se supplemental
brief. Upon an independent review of the record, we conclude that, under the circumstances of this
case, there are no nonfrivolous issues which could be raised on appeal. Counsel's application for
leave to withdraw as counsel is, therefore, granted (*see Anders v California*, 386 US 738; *Matter of
Giovanni S. [Jasmin A.]*, 89 AD3d 252; *People v Paige*, 54 AD2d 631; *cf. People v Gonzalez*, 47

July 5, 2012

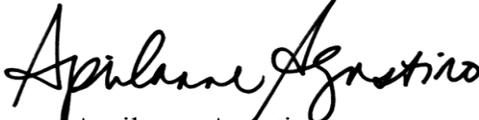
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NY2d 606).

DILLON, J.P., ENG, BELEN and AUSTIN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court