

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

D35398
C/kmb

____AD3d____

Submitted - May 3, 2012

ANITA R. FLORIO, J.P.
RUTH C. BALKIN
CHERYL E. CHAMBERS
JEFFREY A. COHEN, JJ.

2011-07837

DECISION & ORDER

In the Matter of Damion Gardner, appellant,
v Susan Gardner, respondent.

(Docket No. O-36548-10)

Carol Kahn, New York, N.Y., for appellant.

In a family offense proceeding pursuant to Family Court Act article 8, the petitioner appeals from an order of the Family Court, Kings County (Ross, J.H.O.), dated August 15, 2011, which, after a hearing, denied his petition, in effect, to vacate an order of protection of the same court, dated January 13, 2011, and dismissed the proceeding. Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which she moves for leave to withdraw as counsel for the appellant.

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

We are satisfied with the sufficiency of the brief filed by the appellant's assigned counsel pursuant to *Anders v California* (386 US 738), and, upon an independent review of the record, we conclude that 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 NY2d 606).

FLORIO, J.P., BALKIN, CHAMBERS and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

June 27, 2012

MATTER OF GARDNER v GARDNER