

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

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Submitted - May 16, 2018

MARK C. DILLON, J.P.  
SANDRA L. SGROI  
SYLVIA O. HINDS-RADIX  
VALERIE BRATHWAITE NELSON  
ANGELA G. IANNACCI, JJ.

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2016-11016

DECISION & ORDER

The People, etc., respondent,  
v Lewis Stewart, appellant.

(Ind. No. 5042/16)

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Paul Skip Laisure, New York, NY (Lynn W. L. Fahey of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Jill Oziemblewski of counsel; Ruby D. Andrade on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Elizabeth Foley, J.), rendered September 23, 2016, convicting him of rape in the third 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 judgment is affirmed.

We are satisfied with the sufficiency of the brief filed by the defendant'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 id.*; *Matter of Giovanni S. [Jasmin A.]*, 89 AD3d 252; *People v Paige*, 54 AD2d 631; *cf. People v Gonzalez*, 47 NY2d 606).

DILLON, J.P., SGROI, HINDS-RADIX, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

June 13, 2018

PEOPLE v STEWART, LEWIS