

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

D57158
Q/htr

_____AD3d_____

Submitted - June 13, 2018

REINALDO E. RIVERA, J.P.
ROBERT J. MILLER
COLLEEN D. DUFFY
HECTOR D. LASALLE, JJ.

2016-03899

DECISION & ORDER

The People, etc., respondent,
v Brian Arias, appellant.

(S.C.I. No. 10441/15)

The Legal Aid Society, New York, NY (Elizabeth L. Isaacs of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnnette Traill, and Anastasia Spanakos of counsel; Kathleen Halliday on the brief), for respondent.


Appeal by the defendant from a judgment of the Supreme Court, Queens County (Suzanne Melendez, J.), rendered March 23, 2016, convicting him of criminal possession of a controlled substance in the fifth degree, upon his plea of guilty (Stephanie Zaro, J.), and imposing sentence. Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which it 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). Counsel has informed this Court that the defendant has not authorized counsel to raise any issues related to the imposition of the promised enhanced sentence. Upon an independent review of the record, we conclude that there are no remaining nonfrivolous issues which could be raised on appeal. Counsel's application for leave to withdraw as counsel is, therefore, granted (*see id.*; *People v Singleton*, 129 AD3d 871; *Matter of Giovanni S. [Jasmin A.]*, 89 AD3d 252; *People v Paige*, 54 AD2d 631; *cf. People v Gonzalez*, 47 NY2d 606).

RIVERA, J.P., MILLER, DUFFY and LASALLE, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

November 7, 2018

PEOPLE v ARIAS, BRIAN