

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

D57435  
L/htr

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - October 30, 2018

CHERYL E. CHAMBERS, J.P.  
SANDRA L. SGROI  
BETSY BARROS  
ANGELA G. IANNACCI, JJ.

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2017-12836

DECISION & ORDER ON MOTION

The People, etc., respondent,  
v Donovan Hassell, appellant.

(Ind. No. 1201/15)

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Leon H. Tracy, Jericho, NY, for appellant.

Madeline Singas, District Attorney, Mineola, NY (Jared A. Chester and Amanda Manning of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Teresa K. Corrigan, J.), rendered October 31, 2017, convicting him of robbery in the first degree, robbery in the third degree, and grand larceny in the fourth 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 motion of Leon H. Tracy for leave to withdraw as counsel is granted, and he is directed to turn over all papers in his possession to the appellant's new counsel assigned herein; and it is further,

ORDERED that Martin Goldberg, 672 Dogwood Avenue # 183, Franklin Square, NY 11010, is assigned as counsel to prosecute the appeal; and it is further,

ORDERED that the respondent is directed to furnish a copy of the certified transcript of the proceedings to the appellant's 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 this decision and order on motion, and the respondent shall serve and file its brief

November 28, 2018

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within 30 days after the brief on behalf of the appellant is served and filed. By prior decision and order on motion of this Court dated January 12, 2018, the appellant was granted leave to prosecute the appeal as a poor person, with the appeal to be heard on the original papers, including a certified transcript of the proceedings, and on the briefs of the parties. The parties are directed to file an original and five duplicate hard copies, and one digital copy, of their respective briefs, and to serve one hard copy on each other (*see* 22 NYCRR 1250.9[a][4]; [c][1]).

Upon our independent review of the record, we conclude that there are nonfrivolous issues in this case, including, but not necessarily limited to, whether the Supreme Court properly denied that branch of the defendant's pretrial motion which was to suppress identification evidence (*see People v Dunbar*, 112 AD3d 845, 846-847; *People v Roman*, 291 AD2d 461, 462; *People v Brown*, 177 AD2d 584), and whether the sentence imposed was excessive (*see generally People v Suitte*, 90 AD2d 80). Accordingly, assignment of new counsel is warranted (*see People v Stokes*, 95 NY2d 633, 638; *Matter of Giovanni S. [Jasmin A.]*, 89 AD3d 252).

CHAMBERS, J.P., SGROI, BARROS and IANNACCI, JJ., concur.

ENTER: 

Aprilanne Agostino  
Clerk of the Court