

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

D57787  
T/htr

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Submitted - November 28, 2018

REINALDO E. RIVERA, J.P.  
SANDRA L. SGROI  
SYLVIA O. HINDS-RADIX  
LINDA CHRISTOPHER, JJ.

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2017-03603

DECISION & ORDER

The People, etc., respondent,  
v Richard Simmons, appellant.

(Ind. No. 13-01069)

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John R. Lewis, Sleepy Hollow, NY, for appellant.

Anthony A. Scarpino, Jr., District Attorney, White Plains, NY (Jennifer Spencer of counsel), for respondent (no brief filed).

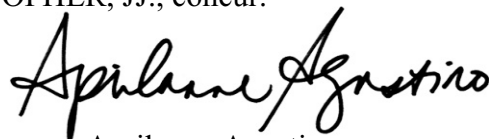
Appeal by the defendant from a judgment of the County Court, Westchester County (Susan M. Capeci, J.), rendered March 10, 2016, convicting him of attempted criminal sale of a controlled substance in the third degree, upon his plea of guilty, and imposing sentence. Assigned counsel has submitted a brief 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).

RIVERA, J.P., SGROI, HINDS-RADIX and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

December 26, 2018

PEOPLE v SIMMONS, RICHARD