

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

D13134  
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Submitted - November 15, 2006

ANITA R. FLORIO, J.P.  
DAVID S. RITTER  
GLORIA GOLDSTEIN  
JOSEPH COVELLO, JJ.

2005-09553  
2005-11309

DECISION & ORDER

The People, etc., respondent,  
v Jason L. Annunziato, appellant.

(Ind. No. 1309-05)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani of counsel),  
for respondent.

Appeals by the defendant from (1) a judgment of the Supreme Court, Suffolk County (Doyle, J.), rendered August 31, 2005, convicting him of rape in the third degree, upon his plea of guilty, and imposing sentence, and (2) an order of the same court dated November 23, 2005, which, without contest, designated him a level three predicate sex offender pursuant to Correction Law article 6-C.

ORDERED that the judgment and the order are affirmed.

December 19, 2006

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PEOPLE v ANNUNZIATO, JASON L.

We have reviewed the record and agree with the defendant's assigned counsel that there are no nonfrivolous issues which could be raised on appeal. Counsel's application for leave to withdraw as counsel is granted (*see Anders v California*, 386 US 738; *People v Paige*, 54 AD2d 631; *cf. People v Gonzalez*, 47 NY2d 606).

FLORIO, J.P., RITTER, GOLDSTEIN and COVELLO, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court