

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

D13236  
Y/cb

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

Submitted - November 15, 2006

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

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2005-05869

DECISION & ORDER

The People, etc., respondent,  
v Eryln Binet, appellant.

(S.C.I. No. 29N-2005)

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Alan Katz, Garden City, N.Y., for appellant, and appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley and Laurie K. Spinella of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Honorof, J.), rendered May 9, 2005, convicting him of robbery in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

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).

The defendant has not raised any nonfrivolous issues in his supplemental *pro se* brief.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 26, 2006

PEOPLE v BINET, ERLYN