

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

D13314  
G/mv

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

Submitted - November 29, 2006

HOWARD MILLER, J.P.  
GABRIEL M. KRAUSMAN  
ROBERT A. SPOLZINO  
STEVEN W. FISHER  
MARK C. DILLON, JJ.

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2005-04803

DECISION & ORDER

The People, etc., respondent,  
v Jadair Newkirk, appellant.

(Ind. No. 04-00626)

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David L. Rich, White Plains, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (David R. Huey of counsel),  
for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County  
(DeRosa, J.), rendered May 12, 2005, convicting him of criminal possession of a controlled substance  
in the fourth 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).

MILLER, J.P., KRAUSMAN, SPOLZINO, FISHER and DILLON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 26, 2006

PEOPLE v NEWKIRK, JADAIR