

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

D13607  
T/cb

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Submitted - December 6, 2006

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

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2005-04756  
2005-05333

DECISION & ORDER

People of State of New York, respondent,  
v Philip Quinitchette, appellant.

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Robert C. Mitchell, Riverhead, N.Y. (James H. Miller III of counsel), for appellant.

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

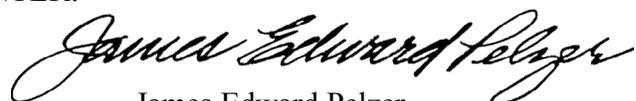
Appeal by the defendant from an order of the Supreme Court, Suffolk County (Mullen, J.), dated May 5, 2005, which, after a hearing to redetermine the defendant's sex offender risk level pursuant to the stipulation of settlement in *Doe v Pataki* (3 F. Supp. 2d 456), designated him a level three sex offender pursuant to Correction Law article 6-C.

ORDERED that the order is affirmed, without costs or disbursements.

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).

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

ENTER:



James Edward Pelzer  
Clerk of the Court

January 23, 2007

PEOPLE OF STATE OF NEW YORK v QUINITCHETTE