

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

D13673
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_____AD3d_____

Submitted - January 10, 2007

REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
STEVEN W. FISHER
ROBERT A. LIFSON
THOMAS A. DICKERSON, JJ.

2006-00393
2006-00406

DECISION & ORDER

The People, etc., respondent,
v Matthew Johnson, appellant.

(Ind. Nos. 2528/04, 1719/05)

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 County Court, Suffolk County (Crecca, J.), rendered December 20, 2005, convicting him of attempted criminal possession of a weapon in the third degree under Indictment No. 1719/05, upon his plea of guilty, and imposing sentence, and (2) an amended judgment of the same court also rendered December 20, 2005, revoking a sentence of probation previously imposed by the same court upon a finding that he had violated a condition thereof, after a hearing, and imposing a sentence of imprisonment upon his previous conviction of criminal possession of a weapon in the third degree under Indictment No. 2528/04.

ORDERED that the judgment and the amended judgment are affirmed.

January 30, 2007

PEOPLE v JOHNSON, MATTHEW

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We have reviewed the record and agree with the defendant's assigned counsel that there are no nonfrivolous issues which could be raised on the appeals. 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).

RIVERA, J.P., SPOLZINO, FISHER, LIFSON and DICKERSON, 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