

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

D14919  
X/gts

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Submitted - March 21, 2007

ROBERT W. SCHMIDT, J.P.  
GABRIEL M. KRAUSMAN  
GLORIA GOLDSTEIN  
JOSEPH COVELLO  
DANIEL D. ANGIOLILLO, JJ.

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2005-10489

DECISION & ORDER

The People, etc., respondent, v Michael  
DiNardo, a/k/a Michael Donato, appellant.

(Ind. No. 05-00267)

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David L. Rich, White Plains, N.Y., for appellant, and appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Brian F. Fitzgerald, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Nicolai, J., at plea; Molea, J., at sentencing), rendered September 29, 2005, convicting him of attempted robbery in the second degree, upon his plea of guilty, and imposing sentence.

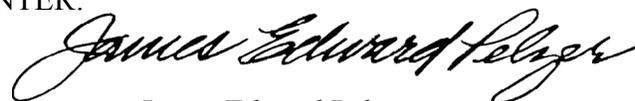
ORDERED that the judgment is affirmed.

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.

SCHMIDT, J.P., KRAUSMAN, GOLDSTEIN, COVELLO and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 1, 2007

PEOPLE v DiNARDO, MICHAEL, a/k/a DONATO, MICHAEL