

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

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Submitted - April 18, 2007

STEPHEN G. CRANE, J.P.
FRED T. SANTUCCI
ANITA R. FLORIO
MARK C. DILLON
RUTH C. BALKIN, JJ.

2005-10730
2005-10731
2005-10732

DECISION & ORDER

The People, etc., respondent,
v Nicholas Ali, appellant.

(Ind. Nos. 5933/00, 6888/02, 4415/03)

Steven Banks, New York, N.Y. (Bonnie B. Goldberg of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Keith Dolan of counsel), for respondent.

Appeal by the defendant from two judgments of the Supreme Court, Kings County (J. Goldberg, J.), both rendered November 15, 2004, convicting him of assault in the first degree under Indictment No. 4415/03, and gang assault in the second degree under Indictment No. 6888/02, upon his pleas of guilty, and imposing sentences, and an amended judgment of the same court, also rendered November 15, 2004, revoking a sentence of probation previously imposed by the same court, upon a finding that he violated a condition thereof, upon his plea of guilty, and imposing a sentence of imprisonment upon his previous conviction of assault in the second degree under Indictment No. 5933/00.

ORDERED that the judgments and the amended judgment are 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
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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).

CRANE, J.P., SANTUCCI, FLORIO, DILLON and BALKIN, 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