

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

D15505
C/cb

_____AD3d_____

Submitted - May 2, 2007

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

2005-11802

DECISION & ORDER

The People, etc., respondent,
v Carlos Rosario, appellant.

(Ind. No. 1144N-05)

Martin Geoffrey Goldberg, Franklin Square, N.Y., for appellant, and appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley of counsel;
Matthew C. Frankel on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Honorof, J.), rendered October 5, 2005, convicting him of attempted robbery in the first 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 raised no nonfrivolous issues in his supplemental pro se brief. The defendant's waiver of his right to appeal precludes review of his challenges to the court's denial of that branch of his pretrial motion which was to suppress his statement to the police (*see People v*

June 12, 2007

PEOPLE v ROSARIO, CARLOS

Page 1.

Kemp, 94 NY2d 831, 833; *People v Wager*, 34 AD3d 505, 506; *People v Sanchez*, 33 AD3d 633, 634).

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

ENTER:


James Edward Felger
Clerk of the Court