

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

D16301
O/hu

_____AD3d_____

Submitted - September 5, 2007

ROBERT W. SCHMIDT, J.P.
ROBERT A. SPOLZINO
PETER B. SKELOS
ROBERT A. LIFSON
WILLIAM E. McCARTHY, JJ.

2006-05762
2007-03497

DECISION & ORDER

The People, etc., respondent,
v Andrea Perez, appellant.

(S.C.I. Nos. 1778/05, 1024/06)

Judah Maltz, Kew Gardens, N.Y., for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeanette Lifschitz, and Charles Balvin of counsel), for respondent.

Appeal by the defendant from (1) a judgment of the Supreme Court, Queens County (Chin-Brandt, J.), rendered May 3, 2006, convicting him of attempted robbery in the third degree under Superior Court Information No. 1024/06, upon his plea of guilty, and imposing sentence, and (2) an amended judgment of the same court, also rendered May 3, 2006, 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 grand larceny in the fourth degree under Superior Court Information No. 1778/05.

ORDERED that the judgment and 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

September 25, 2007

Page 1.

PEOPLE v PEREZ, ANDREA

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).

SCHMIDT, J.P., SPOLZINO, SKELOS, LIFSON and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court