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

D16824
G/kmg

_____AD3d_____ Submitted - October 17, 2007

STEPHEN G. CRANE, J.P.
DAVID S. RITTER
STEVEN W. FISHER
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2005-09049 DECISION & ORDER

The People, etc., respondent,
v Jonathan S. Fleming, appellant.

(S.C.I. No. 122/2005)

David Goodman, Poughkeepsie, N.Y. (Steven Levine of counsel), for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Bridget Rahilly Steller of counsel), for respondent.

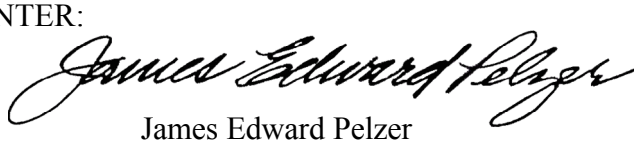
Appeal by the defendant from a judgment of the County Court, Dutchess County (Dolan, J.), rendered September 13, 2005, convicting him of burglary in the third degree, upon his plea of guilty, and imposing sentence.

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).

CRANE, J.P., RITTER, FISHER, COVELLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 7, 2007

PEOPLE v FLEMING, JONATHAN S.