

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

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Submitted - January 16, 2008

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
ANITA R. FLORIO
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2003-10962

DECISION & ORDER

The People, etc., respondent,
v Arthur Tuten, appellant.

(Ind. No. 8695/02)

Kevin Costello, Flushing, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel of counsel), for respondent.

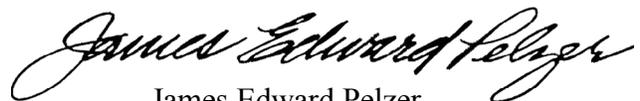
Appeal by the defendant from a judgment of the Supreme Court, Kings County (Marrus, J.), rendered July 30, 2003, convicting him of conspiracy in the second degree, upon his plea of guilty, and imposing sentence.

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).

MASTRO, J.P., FISHER, FLORIO, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 26, 2008

PEOPLE v TUTEN, ARTHUR