

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

D18248  
G/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - February 13, 2008

REINALDO E. RIVERA, J.P.  
ROBERT A. LIFSON  
HOWARD MILLER  
EDWARD D. CARNI  
RANDALL T. ENG, JJ.

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2006-11452  
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DECISION & ORDER

The People, etc., respondent,  
v Luciano Incardona, appellant.

(Ind. No. 2006-208; S.C.I. No. 2006-707)

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John P. Savoca, White Plains, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Andrew R. Kass of  
counsel), for respondent.

Appeals by the defendant from (1) a judgment of the County Court, Orange County (DeRosa, J.), rendered November 27, 2006, convicting him of attempted criminal possession of a controlled substance in the third degree under Superior Court Information No. 2006-707, upon his plea of guilty, and imposing sentence, and (2) an amended judgment of the same court, also rendered November 27, 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 criminal contempt in the first degree under Orange County Indictment No. 2006-208.

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

March 4, 2008

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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).

RIVERA, J.P., LIFSON, MILLER, CARNI and ENG, 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