

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

D18306
W/kmg

_____AD3d_____

Submitted - January 30, 2008

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
HOWARD MILLER
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2006-05587

DECISION & ORDER

The People, etc., respondent,
v Jermaine Kellogg, appellant.

(S.C.I. No. 03-01392)

Janet Gandolfo, Sleepy Hollow, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Richard Longworth Hecht and Anthony J. Servino of counsel; Daniel R. Flecha on the brief), for respondent.

Appeal by the defendant from an amended judgment of the County Court, Westchester County (Loehr, J.), rendered May 10, 2006, revoking a sentence of probation previously imposed by the same court upon a finding that he had violated a condition thereof, upon his admission, and imposing a sentence of imprisonment upon his previous conviction of criminal possession of a controlled substance in the fifth degree.

ORDERED that the amended 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).

PRUDENTI, P.J., SKELOS, MILLER, COVELLO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 4, 2008

PEOPLE v KELLOGG, JERMAINE