

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

D18600  
C/hu

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

Submitted - February 27, 2008

ROBERT A. SPOLZINO, J.P.  
DAVID S. RITTER  
MARK C. DILLON  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

---

2006-10177

DECISION & ORDER

The People, etc., respondent,  
v James Soto, appellant.

(Ind. No. 05-00594)

---

Diane E. Selker, Peekskill, N.Y., for appellant, and appellant pro se.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Argiro Kosmetatos and Vered Adoni of counsel; Coleen A. Fortes and Bart Seeman on the brief), for respondent.

Appeal by the defendant from a judgment of the County Court, Rockland County (Kelly, J.), rendered September 6, 2006, as amended December 13, 2006, convicting him of assault in the second degree (two counts), criminal mischief in the second degree, and driving while intoxicated as a felony, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment, as amended, 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, 744; *People v Paige*, 54 AD2d 631; *cf. People v Gonzalez*, 47 NY2d 606, 611-612).

April 1, 2008

PEOPLE v SOTO, JAMES

Page 1.

The defendant has not, nor could he have, raised any nonfrivolous issues in his supplemental pro se brief.

SPOLZINO, J.P., RITTER, DILLON, BALKIN and LEVENTHAL, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court