

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

D18799
C/kmg

____AD3d____

Submitted - March 12, 2008

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

2006-09388

DECISION & ORDER

The People, etc., respondent,
v Joshua Granby, appellant.

(Ind. No. 1818-06)

Del Atwell, East Hampton, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Suffolk County (Mullen, J.), rendered June 16, 2006, convicting him of attempted unlawfully dealing with a child in the first degree, upon his plea of guilty, and imposing sentence.

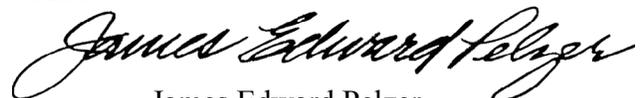
ORDERED that the judgment is affirmed.

The defendant's contention that he was denied his right to the effective assistance of counsel rests on matter partially dehors the record and to that extent it may not be reviewed on direct appeal (*see People v Gonzalez*, 44 AD3d 871, *lv denied* 9 NY3d 1006; *People v Bolden*, 44 AD3d 784). To the extent that the claim is based upon the record, it is without merit (*see Strickland v Washington*, 466 US 668, 687; *People v Baldi*, 54 NY2d 137).

The defendant's remaining contention is without merit.

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

ENTER:



James Edward Pelzer
Clerk of the Court

April 15, 2008

PEOPLE v GRANBY, JOSHUA