

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

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Submitted - June 24, 2008

PETER B. SKELOS, J.P.  
DAVID S. RITTER  
ANITA R. FLORIO  
EDWARD D. CARNI, JJ.

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2005-00891

DECISION & ORDER

The People, etc., respondent,  
v Monie Jackson, appellant.

(Ind. No. 2724/98)

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Lynn W. L. Fahey, New York, N.Y. (Barry Stendig of counsel), for appellant, and appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and Merri Turk Lasky of counsel; Michelle Kaszuba on the brief), for respondent.

Appeal by the defendant, by permission, from an order of the Supreme Court, Queens County (Latella, J.), dated September 30, 2004, which denied his motion, in effect, to vacate a judgment of the same court rendered February 2, 1999, convicting him of assault in the second degree, upon his plea of guilty, and sentencing him as a persistent violent felony offender to an indeterminate term of imprisonment of 14 years to life, or to set aside the sentence.

ORDERED that the order 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).

September 9, 2008

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

SKELOS, J.P., RITTER, FLORIO and CARNI, 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