

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

D20430  
Y/cb

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Submitted - September 3, 2008

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
HOWARD MILLER  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

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2007-05596

DECISION & ORDER

The People, etc., respondent,  
v Darius Clarke, appellant.

(Ind. No. 1612A-06)

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Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani of counsel),  
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County  
(Gazzillo, J.), rendered May 2, 2007, convicting him of robbery in the second degree, upon his plea  
of guilty, and imposing sentence.

ORDERED that the 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).

SPOLZINO, J.P., SANTUCCI, MILLER, DICKERSON and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

September 23, 2008

PEOPLE v CLARKE, DARIUS