

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

D21090
G/kmg

_____AD3d_____

Submitted - October 27, 2008

REINALDO E. RIVERA, J.P.
ROBERT A. LIFSON
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2007-04871
2008-02392
2008-02393

DECISION & ORDER

The People, etc., respondent,
v Andre Elwin, appellant.

(Ind. No. 2581/05; S.C.I. Nos. 453/06, 2036/06)

Michael A. Fiechter, Bellmore, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley of counsel;
Matthew C. Frankel on the brief), for respondent.

Appeal by the defendant from (1) a judgment of the Supreme Court, Nassau County (Sullivan, J.), rendered December 8, 2006, convicting him of robbery in the first degree, upon his plea of guilty, and imposing sentence, (2) a judgment of the same court, also rendered December 8, 2006, convicting him of assault in the second degree, upon his plea of guilty, and imposing sentence, and (3) a judgment of the same court, also rendered December 8, 2006, convicting him of criminal possession of a controlled substance in the fifth degree and resisting arrest, upon his plea of guilty, and imposing sentence.

ORDERED that the judgments are 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).

RIVERA, J.P., LIFSON, ENG and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 18, 2008

PEOPLE v ELWIN, ANDRE