

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

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Submitted - December 17, 2008

STEVEN W. FISHER, J.P.  
JOSEPH COVELLO  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

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2007-07377

DECISION & ORDER

The People, etc., respondent,  
v David Bendezu, appellant.

(Ind. No. 06-00863)

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Richard L. Herzfeld, New York, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Lois Cullen Valerio and Anthony J. Servino of counsel; Michelle K. Bernstein on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Westchester County (Neary, J.), rendered July 11, 2007, convicting him of murder in the second degree and robbery in the first degree as a hate crime, 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).

FISHER, J.P., COVELLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

January 13, 2009

PEOPLE v BENDEZU, DAVID