

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

D22179  
W/cb

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Submitted - January 21, 2009

WILLIAM F. MASTRO, J.P.  
STEVEN W. FISHER  
ANITA R. FLORIO  
EDWARD D. CARNI  
RANDALL T. ENG, JJ.

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2007-07968

DECISION & ORDER

The People, etc., respondent,  
v Policarpo Nunez, appellant.

(Ind. No. 06-01669)

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Anthony M. Giordano, Ossining, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Hae Jin Liu, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Cacace, J.), rendered July 5, 2007, convicting him of driving while intoxicated and criminal possession of a forged instrument in the third 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).

MASTRO, J.P., FISHER, FLORIO, CARNI and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

February 24, 2009

PEOPLE v NUNEZ, POLICARPO