

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

D22249
O/kmg

_____AD3d_____

Submitted - January 21, 2009

REINALDO E. RIVERA, J.P.
MARK C. DILLON
HOWARD MILLER
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-03801

DECISION & ORDER

The People, etc., respondent,
v Jose G. Luna, appellant.

(Ind. No. 02-00783)

Kenneth Lyle Bunting, White Plains, N.Y., for appellant.

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

Appeal by the defendant from a judgment of the County Court, Westchester County (Cohen, J.), rendered April 3, 2007, convicting him of attempted assault in the first 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).

RIVERA, J.P., DILLON, MILLER, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 3, 2009

PEOPLE v LUNA, JOSE G.