

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

D22381
W/kmg

_____AD3d_____

Submitted - February 4, 2009

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

2008-02047

DECISION & ORDER

The People, etc., respondent,
v Christopher Koch, appellant.

(Ind. No. 07-00884)

Michele Marte-Indzonka, Newburgh, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Elizabeth L. Guinup and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (Freehill, J.), rendered February 7, 2008, convicting him of burglary in the second degree (two counts), 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

March 10, 2009

PEOPLE v KOCH, CHRISTOPHER

Clerk of the Court

March 10, 2009

PEOPLE v KOCH, CHRISTOPHER