

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

D22491
C/kmg

_____AD3d_____

Submitted - February 24, 2009

REINALDO E. RIVERA, J.P.
DAVID S. RITTER
JOSEPH COVELLO
DANIEL D. ANGIOLILLO, JJ.

2005-10931

DECISION & ORDER

The People, etc., respondent,
v Derek Deal, appellant.

(Ind. No. 1530/05)

Brian E. O'Donoghue, Huntington, N.Y., for appellant, and appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Marion M. Tang of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Crecca, J.), rendered October 14, 2005, convicting him of burglary in the second 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).

The defendant has not, nor could he have, raised any nonfrivolous issues in his supplemental pro se brief.

RIVERA, J.P., RITTER, COVELLO and ANGIOLILLO, JJ., concur.

ENTER:


James Edward Pelzer

March 24, 2009

PEOPLE v DEAL, DEREK

Clerk of the Court

March 24, 2009

PEOPLE v DEAL, DEREK