

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

D22968
O/kmg

_____AD3d_____

Submitted - March 13, 2009

FRED T. SANTUCCI, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2007-10139

DECISION & ORDER

People of State of New York, respondent,
v Leonard Moriah, appellant.

Diane E. Selker, Peekskill, 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 an order of the County Court, Westchester County (Loehr, J.), dated September 28, 2007, which, after a hearing, designated him a level two sex offender pursuant to Correction Law Article 6-C.

ORDERED that the order 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).

SANTUCCI, J.P., FLORIO, COVELLO and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

April 28, 2009

PEOPLE OF STATE OF NEW YORK v MORIAH