

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

D23278  
C/kmg

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Submitted - April 15, 2009

WILLIAM F. MASTRO, J.P.  
STEVEN W. FISHER  
HOWARD MILLER  
THOMAS A. DICKERSON  
CHERYL E. CHAMBERS, JJ.

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2003-08688  
2004-02067

DECISION & ORDER

The People, etc., respondent,  
v Andrew Puca, appellant.

(Ind. No. 1353/03)

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Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani of counsel),  
for respondent.

Appeal by the defendant from (1) a judgment of the County Court, Suffolk County (Fitzgibbon, J.), rendered September 4, 2003, convicting him of assault in the second degree, driving while intoxicated, attempted grand larceny in the fourth degree, and petit larceny, upon his plea of guilty, and imposing sentence, and (2) an amended judgment of the same court (MacKenzie, J.), rendered February 10, 2004.

ORDERED that the judgment and the amended judgment are 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, MILLER, DICKERSON and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer

May 26, 2009

PEOPLE v PUCA, ANDREW

Clerk of the Court

May 26, 2009

PEOPLE v PUCA, ANDREW