

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

D23422
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_____AD3d_____

Submitted - April 29, 2009

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

2008-05061

DECISION & ORDER

The People, etc., respondent,
v John Velez, appellant.

(Ind. No. 2603-07)

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

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

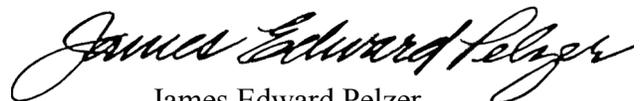
Appeal by the defendant from an amended judgment of the County Court, Suffolk
County (Braslow, J.), rendered April 2, 2008, convicting him of burglary in the second degree, upon
his plea of guilty, and imposing sentence.

ORDERED that the amended 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).

MASTRO, J.P., FISHER, MILLER, DICKERSON and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 2, 2009

PEOPLE v VELEZ, JOHN