

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

D23473
T/kmg

_____AD3d_____

Submitted - April 15, 2009

PETER B. SKELOS, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2006-08127

DECISION & ORDER

The People, etc., respondent,
v Michael Laino, appellant.

(Ind. No. 17/05)

David Goodman, Poughkeepsie, N.Y. (Steven Levine of counsel), for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Bridget Rahilly Steller of counsel), for respondent.

Appeal by the defendant from a resentence of the County Court, Dutchess County (Dolan, J.), imposed August 1, 2006, upon an amended judgment of the same court, rendered March 7, 2006, revoking a sentence of probation previously imposed by the same court, upon a finding that he had violated a condition thereof, and imposing a sentence of imprisonment upon his previous conviction of assault in the second degree.

ORDERED that the resentence 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).

SKELOS, J.P., FLORIO, BALKIN, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer

June 9, 2009

PEOPLE v LAINO, MICHAEL

Clerk of the Court

June 9, 2009

PEOPLE v LAINO, MICHAEL