

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

D23905
G/prt

_____AD3d_____

Submitted - June 17, 2009

REINALDO E. RIVERA, J.P.
MARK C. DILLON
JOSEPH COVELLO
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2008-09196

DECISION & ORDER

People of State of New York, respondent,
v Sanford Dennis, appellant.

Robert C. Mitchell, Riverhead, N.Y. (James H. Miller III 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 order of the County Court, Suffolk County (Spinner, J.), dated September 23, 2008, which, after a hearing to redetermine the defendant's sex offender risk level pursuant to the stipulation of settlement in *Doe v Pataki* (3 F Supp 2d 456, *cert denied* 522 US 1122), pursuant to *Doe v Pataki* (481 F3d 69, 75), and upon his consent, designated him a level two sex offender pursuant to Correction Law article 6-C. Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which he moves to be relieved of the assignment to prosecute this appeal.

ORDERED that the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that counsel's application to withdraw as counsel is dismissed as academic.

July 28, 2009

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The appeal must be dismissed because no appeal lies from an order entered on consent of the appellant (*see* CPLR 5511; *People v Welch*, 30 AD3d 392).

RIVERA, J.P., DILLON, COVELLO, ENG and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court