

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

D24836
G/kmg

_____AD3d_____

Submitted - October 7, 2009

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
THOMAS A. DICKERSON
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2008-11709

DECISION & ORDER

The People, etc., respondent,
v Pasqual Alvarez, appellant.

(Ind. No. 08-646)

Richard L. Herzfeld, New York, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Elizabeth L. Guinup and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (DeRosa, J.), rendered December 9, 2008, convicting him of attempted burglary in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the 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., DILLON, DICKERSON, BELEN and LOTT, JJ., concur.

ENTER:



James Edward Pelzer

November 4, 2009

PEOPLE v ALVAREZ, PASQUAL

Clerk of the Court

November 4, 2009

PEOPLE v ALVAREZ, PASQUAL