

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

D25198
O/kmg

_____AD3d_____

Submitted - November 4, 2009

MARK C. DILLON, J.P.
HOWARD MILLER
RANDALL T. ENG
L. PRISCILLA HALL
SANDRA L. SGROI, JJ.

2006-03755

DECISION & ORDER

The People, etc., respondent,
v Mark Thompson, appellant.

(Ind. No. 05-07021)

Tully Rinckey, PLLC, Albany, N.Y. (Mathew B. Tully of counsel), for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Lauren E. Dunnock and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from an amended judgment of the County Court, Orange County (De Rosa, J.), rendered April 4, 2006, revoking a sentence of probation previously imposed by the same court (Hayes, J.), upon a finding that he had violated a condition thereof, and imposing a sentence of imprisonment upon his previous conviction of criminal sale of a controlled substance in the fifth degree.

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).

DILLON, J.P., MILLER, ENG, HALL and SGROI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 1, 2009

PEOPLE v THOMPSON, MARK