

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

D25623  
C/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - December 7, 2009

FRED T. SANTUCCI, J.P.  
RUTH C. BALKIN  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2007-05162

DECISION & ORDER

The People, etc., respondent,  
v Carlos Ward, appellant.

(Ind. No. 78/06)

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Alan Katz, Garden City, N.Y., for appellant, and appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Lauren Del Giorno, Matthew C. Frankel, Ilisa J. Fleischer, and Donald Berk of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Donnino, J.), rendered August 8, 2006, convicting him of burglary in the first degree, robbery in the first degree (three counts), criminal possession of a weapon in the second degree (two counts), and criminal possession of a weapon in the third degree (two counts), 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).

The issues raised by the defendant in his supplemental pro se brief do not raise any nonfrivolous issues. We note that the defendant's knowing, voluntary, and intelligent waiver of his right to appeal precludes appellate review of the contentions in his supplemental pro se brief concerning the County Court's denial of his request for the assignment of new counsel during a pre-

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plea suppression hearing (*see People v Lopez*, 6 NY3d 248, 255-256; *People v Thompson*, 63 AD3d 1181, 1182; *People v Opoku*, 61 AD3d 705).

SANTUCCI, J.P., BALKIN, ENG and CHAMBERS, 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