

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

D25975
O/prt

_____AD3d_____

Submitted - January 6, 2010

MARK C. DILLON, J.P.
HOWARD MILLER
RUTH C. BALKIN
JOHN M. LEVENTHAL
LEONARD B. AUSTIN, JJ.

2007-10317

DECISION & ORDER

The People, etc., respondent,
v Rodolfo Ponciano, appellant.

(Ind. No. 06-00863)

Eric Press, White Plains, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Stefanie DeNise, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Molea, J.), rendered September 14, 2007, convicting him of robbery in the first 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).

DILLON, J.P., MILLER, BALKIN, LEVENTHAL and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 2, 2010

PEOPLE v PONCIANO, RODOLFO