

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

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Submitted - January 7, 2010

STEVEN W. FISHER, J.P.
ANITA R. FLORIO
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2008-11719

DECISION & ORDER

The People, etc., respondent,
v Al D. Sturdivant, a/k/a Alfred Sturdivant, appellant.

(Ind. No. 06-1478)

John P. Savoca, Yorktown Heights, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Lois Cullen Valerio and Anthony J. Servino of counsel; Justin L. Tolbert on the brief), for respondent.

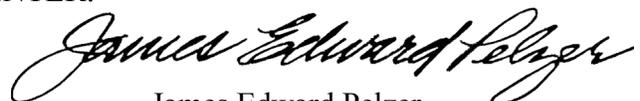
Appeal by the defendant from a judgment of the Supreme Court, Westchester County (DiBella, J.), rendered November 14, 2008, convicting him of assault in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

We have reviewed the record and agree with the defendant's assigned counsel that there are no non frivolous 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).

FISHER, J.P., FLORIO, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 2, 2010

PEOPLE v STURDIVANT, AL D., a/k/a STURDIVANT, ALFRED