

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

D26199  
H/kmg

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

Submitted - January 27, 2010

REINALDO E. RIVERA, J.P.  
ANITA R. FLORIO  
THOMAS A. DICKERSON  
ARIEL E. BELEN  
SHERI S. ROMAN, JJ.

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2009-01938

DECISION & ORDER

The People, etc., respondent,  
v Israel Martinez, appellant.

(Ind. No. 12423/90)

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Steven Banks, New York, N.Y. (Adrienne M. Gantt of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, and Marilyn A. Filingeri of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Queens County (Hollie, J.), dated January 7, 2009, which denied, without a hearing, his motion for resentencing pursuant to the Drug Law Reform Act of 2005 (L 2005, ch 643, § 1), upon his conviction of criminal possession of a controlled substance in the second degree, which sentence was originally imposed, upon his plea of guilty, on February 7, 1991.

ORDERED that the order 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).

RIVERA, J.P., FLORIO, DICKERSON, BELEN and ROMAN, JJ., concur.

ENTER:

  
James Edward Pelzer

February 16, 2010

PEOPLE v MARTINEZ, ISRAEL

Clerk of the Court

February 16, 2010

PEOPLE v MARTINEZ, ISRAEL