

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

D26546
W/ct

_____AD3d_____

Submitted - March 3, 2010

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
PLUMMER E. LOTT, JJ.

2009-00335

DECISION & ORDER

The People, etc., respondent,
v Jamall Cherry, appellant.

(Ind. No. 08-00424-01)

Andrew W. Sayegh, Yonkers, N.Y., for appellant.

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

Appeal by the defendant from a judgment of the County Court, Westchester County (DiBella, J.), rendered November 14, 2008, convicting him of sexual abuse in the first degree, upon his plea of guilty, and imposing sentence. Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738) in which he moves to be relieved of the assignment to prosecute this appeal.

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).

MASTRO, J.P., FISHER, SANTUCCI, ANGIOLILLO and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 16, 2010

PEOPLE v CHERRY, JAMALL