

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

D26662
Y/kmg

_____AD3d_____

Submitted - March 10, 2010

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
HOWARD MILLER
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2009-03032

DECISION & ORDER

The People, etc., respondent,
v Lee Scott, appellant.

(Ind. No. 08-00097)

John Brian Macreery, Katonah, 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 Supreme Court, Westchester County (Adler, J.), rendered February 11, 2009, convicting him of rape 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).

RIVERA, J.P., FLORIO, MILLER, CHAMBERS and ROMAN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

March 23, 2010

PEOPLE v SCOTT, LEE