

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

D27249  
O/ct

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

Submitted - April 21, 2010

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

---

2009-06833

DECISION & ORDER

The People, etc., respondent,  
v Sixto Rivera, appellant.

(S.C.I. No. 122-09)

---

Martha R. Hochberger, Hewlett, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Sarah S. Rabinowitz of counsel;  
Lisa Pollack on the brief), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Calabrese, J.), rendered April 24, 2009, convicting him of course of sexual conduct against a child 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).

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

ENTER:



James Edward Pelzer  
Clerk of the Court

May 4, 2010

PEOPLE v RIVERA, SIXTO