

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

D27451
O/kmg

_____AD3d_____

Submitted - May 5, 2010

PETER B. SKELOS, J.P.
HOWARD MILLER
RANDALL T. ENG
L. PRISCILLA HALL
LEONARD B. AUSTIN, JJ.

2009-00338

DECISION & ORDER

The People, etc., respondent,
v Tony Clark, appellant.

(Ind. No. 08-00112)

Thomas T. Keating, White Plains, N.Y. (Joseph M. Angiolillo of counsel), for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Valerie A. Livingston and Anthony J. Servino of counsel; Katerina Polonsky on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Westchester County (Molea, J.), rendered December 16, 2008, convicting him of manslaughter 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).

SKELOS, J.P., MILLER, ENG, HALL and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer

May 18, 2010

PEOPLE v CLARK, TONY

Clerk of the Court

May 18, 2010

PEOPLE v CLARK, TONY