

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

D27677
W/mv

_____AD3d_____

Submitted - May 3, 2010

STEVEN W. FISHER, J.P.
THOMAS A. DICKERSON
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2009-03508

DECISION & ORDER

The People, etc., respondent,
v Derrick Clancy, appellant.

(Ind. No. 1444/99)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani of counsel),
for respondent.

Appeal by the defendant from a resentence of the County Court, Suffolk County (Kahn, J.), imposed April 6, 2009, which, upon his conviction of rape in the first degree (two counts), sodomy in the first degree (three counts), sexual abuse in the first degree (two counts), and robbery in the third degree, upon his plea of guilty, imposed periods of postrelease supervision in addition to the determinate terms of imprisonment previously imposed on February 14, 2000.

ORDERED that the resentence 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).

FISHER, J.P., DICKERSON, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 1, 2010

PEOPLE v CLANCY, DERRICK