

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

D28081
O/kmg

_____AD3d_____

Submitted - June 16, 2010

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

2009-05863

DECISION & ORDER

The People, etc., respondent,
v Garry Semljatschenko, appellant.

(Ind. No. 09-00068)

Thomas T. Keating, White Plains, N.Y., 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 (Neary, J.), rendered May 27, 2009, convicting him of burglary 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
Clerk of the Court

June 29, 2010

PEOPLE v SEMLJATSCHENKO, GARRY