

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

D28397
H/kmg

_____AD3d_____

Submitted - September 8, 2010

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2009-00591
2009-05126

DECISION & ORDER

The People, etc., respondent,
v Albaceil Marks, appellant.

(Ind. No. 12505/07)

Steven Banks, New York, N.Y. (Joanne Legano Ross of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Morgan J. Dennehy of counsel; Robert Ho on the brief), for respondent.

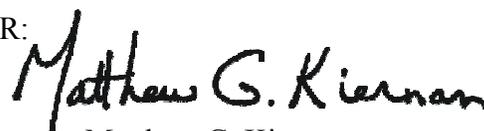
Appeals by the defendant from (1) a judgment of the Supreme Court, Kings County (Walsh, J.), rendered December 22, 2008, convicting him of criminal possession of stolen property in the third degree, upon his plea of guilty, and imposing sentence, and (2) a resentence of the same court imposed February 5, 2009.

ORDERED that the judgment and the resentence are 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).

MASTRO, J.P., FLORIO, DICKERSON, BELEN and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan

September 21, 2010

PEOPLE v MARKS, ALBACEIL

Clerk of the Court

September 21, 2010

PEOPLE v MARKS, ALBACEIL