

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

D28523  
Y/ct

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

Submitted - September 22, 2010

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

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2007-03307

DECISION & ORDER

The People, etc., respondent,  
v Kirk J. Alfaro, appellant.

(Ind. No. 1018/06)

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Edward Hennessey, Shirley, N.Y., for appellant.

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

Appeal by the defendant from a judgment of the County Court, Suffolk County  
(Braslow, J.), rendered December 12, 2006, convicting him of assault in the second 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).

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

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

October 5, 2010

PEOPLE v ALFARO, KIRK J.