

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

D28674  
H/hu

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Submitted - October 6, 2010

REINALDO E. RIVERA, J.P.  
JOSEPH COVELLO  
RANDALL T. ENG  
JOHN M. LEVENTHAL  
LEONARD B. AUSTIN, JJ.

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2009-09088

DECISION & ORDER

The People, etc., respondent,  
v Jerry Newton, also known as “Lou,” appellant.

(Ind. No. 66/09)

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Gary E. Eisenberg, New City, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Joan H. McCarthy of counsel), for respondent.

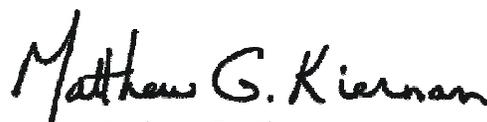
Appeal by the defendant from a judgment of the County Court, Dutchess County (Hayes, J.), rendered August 28, 2009, convicting him of criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence.

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).

RIVERA, J.P., COVELLO, ENG, LEVENTHAL and AUSTIN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

October 19, 2010

PEOPLE v NEWTON, JERRY, also known as “LOU”