

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

D29114
C/kmb

_____AD3d_____

Submitted - November 4, 2010

MARK C. DILLON, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2009-00271

DECISION & ORDER

The People, etc., respondent,
v Nathan Powell, appellant.

(Ind. No. 82/02)

Judah Maltz, Kew Gardens, N.Y., for appellant, and appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley, Judith R. Sternberg, and Matthew C. Frankel of counsel), for respondent.

Appeal by the defendant from a resentence of the County Court, Nassau County (Jaeger, J.), imposed November 19, 2008, upon his conviction of manslaughter in the first degree, upon his plea of guilty, imposed August 18, 2003.

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).

The defendant has not, nor could he have, raised any nonfrivolous issues in his supplemental pro se brief.

DILLON, J.P., SANTUCCI, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


Matthew G. Kiernan

Matthew G. Kiernan
Clerk of the Court

November 23, 2010

PEOPLE v POWELL, NATHAN