

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

D29253
H/kmb

_____AD3d_____

Submitted - November 17, 2010

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

2010-01904

DECISION & ORDER

People of State of New York, respondent, v
Walter Roache, appellant.

Steven A. Feldman, Uniondale, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Elizabeth L. Guinup and Robert H. Middlemiss of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Orange County (DeRosa, J.), dated December 14, 2009, which, upon his consent, designated him a level three sex offender pursuant to Correction Law article 6-C.

ORDERED that the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that counsel's application to withdraw as counsel is dismissed as academic.

The appeal must be dismissed because no appeal lies from an order entered on consent of the appellant (*see* CPLR 5511; *People v Welch*, 30 AD3d 392).

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

ENTER:


Matthew G. Kiernan

Matthew G. Kiernan
Clerk of the Court

November 30, 2010

PEOPLE OF STATE OF NEW YORK v ROACHE