

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

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Submitted - January 19, 2011

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2008-08504

DECISION & ORDER

The People, etc., respondent,
v John W. Stella, appellant.

(Ind. No. 882-08)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Michael J. Miller of counsel),
for respondent.

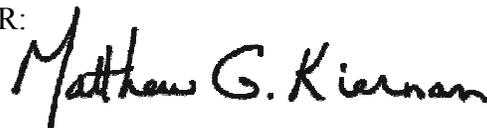
Appeal by the defendant from a judgment of the County Court, Suffolk County (Kahn, J.), rendered July 30, 2008, convicting him of attempted possession of a sexual performance by a child, upon his plea of guilty, and imposing sentence.

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., FLORIO, DICKERSON, HALL and ROMAN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

February 1, 2011

PEOPLE v STELLA, JOHN W.