

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

D30177
C/kmb

_____AD3d_____

Submitted - February 9, 2011

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

2009-09021

DECISION & ORDER

The People, etc., respondent,
v Rufus Gibbs, appellant.

(Ind. No. 07-00364)

Abbie Goldbas, Utica, N.Y., for appellant, and appellant pro se.

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

Appeal by the defendant from a judgment of the County Court, Orange County (De Rosa, J.), rendered September 3, 2009, convicting him of robbery in the first 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).

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

RIVERA, J.P., FLORIO, DICKERSON, HALL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan

Clerk of the Court

February 22, 2011

PEOPLE v GIBBS, RUFUS