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

D30181
Y/kmb

_____AD3d_____ Submitted - February 9, 2011

PETER B. SKELOS, J.P.
JOSEPH COVELLO
RANDALL T. ENG
CHERYL E. CHAMBERS
SANDRA L. SGROI, JJ.

2009-05193 DECISION & ORDER

The People, etc., respondent,
v David Roman, appellant.

(Ind. No. 639/08)

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

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Pastoressa, J.), rendered April 21, 2009, convicting him of burglary in the second degree (two counts), 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).

SKELOS, J.P., COVELLO, ENG, CHAMBERS and SGROI, JJ., concur.

ENTER: Matthew G. Kiernan
Matthew G. Kiernan
Clerk of the Court

February 22, 2011