

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

D30331
W/ct

_____AD3d_____

Submitted - February 23, 2011

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

2010-02496

DECISION & ORDER

The People, etc., respondent,
v Anthony Miller, appellant.

(Ind. No. 197-08)

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 an amended judgment of the County Court, Suffolk County (Braslow, J.), rendered February 8, 2010, revoking a sentence of probation previously imposed by the same court upon a finding that he has violated a condition thereof, upon his admission, and imposing a sentence of imprisonment upon his previous conviction of criminal possession of a weapon in the fourth degree.

ORDERED that the amended 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

March 8, 2011

PEOPLE v MILLER, ANTHONY