

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

D33274  
W/ct

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - November 30, 2011

PETER B. SKELOS, J.P.  
DANIEL D. ANGIOLILLO  
ARIEL E. BELEN  
PLUMMER E. LOTT  
SHERI S. ROMAN, JJ.

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2009-04975

DECISION & ORDER

The People, etc., respondent,  
v Daniel Rodriguez, appellant.

(Ind. No. 1392/06)

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Lynn W. L. Fahey, New York, N.Y. (Winston McIntosh of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and Karen Wigle Weiss of counsel; Cory Tischbein on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Kron, J.), rendered December 10, 2008, convicting him of assault in the second degree (two counts), upon his plea of guilty, and imposing sentence. Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which she moves for leave to withdraw as counsel for the appellant.

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 (*see Matter of Giovanni S. [Jasmin A.]*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2011 NY Slip Op 07846 [2d Dept 2011]). 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., ANGIOLILLO, BELEN, LOTT and ROMAN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

December 13, 2011

PEOPLE v RODRIGUEZ, DANIEL