

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

D33438
G/kmb

_____AD3d_____

Submitted - December 12, 2011

DANIEL D. ANGIOLILLO, J.P.
PLUMMER E. LOTT
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2010-04530

DECISION & ORDER

The People, etc., respondent,
v Jose Rosado, appellant.

(Ind. No. 6631/06)

Lynn W. L. Fahey, New York, N.Y., for appellant, and appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Amy Appelbaum, and Linda Breen of counsel; Robert Ho on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Mangano, Jr., J., at plea; Chun, J., at sentence), rendered March 26, 2010, convicting him of burglary in the second degree, 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 are satisfied with the sufficiency of defense counsel's brief filed pursuant to *Anders v California* (386 US 738) (*see Matter of Giovanni S. [Jasmin A.]*, _____AD3d_____, 2011 NY Slip Op 07846 [2d Dept 2011]), and, upon an independent review of the record, we conclude that there are no nonfrivolous issues which could be raised on appeal. Counsel's application for leave to withdraw as counsel is, therefore, granted (*see Anders v California*, 386 US 738; *People v Paige*, 54 AD2d 631; *cf. People v Gonzalez*, 47 NY2d 606).

December 27, 2011

PEOPLE v ROSADO, JOSE

Page 1.

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

ANGIOLILLO, J.P., LOTT, AUSTIN and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court