

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

D33489  
H/ct

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Submitted - December 14, 2011

REINALDO E. RIVERA, J.P.  
ANITA R. FLORIO  
RANDALL T. ENG  
L. PRISCILLA HALL  
JEFFREY A. COHEN, JJ.

2010-02463

DECISION & ORDER

The People, etc., respondent,  
v Gerson Benavdes, appellant.

(Ind. No. 2145/08)

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

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeanette Lifschitz, and Tina Grillo of counsel; Raj Lapsiwala on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Grosso, J.), rendered February 17, 2010, convicting him of burglary in the first 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 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).

December 27, 2011

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

RIVERA, J.P., FLORIO, ENG, HALL 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