

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

D33992
C/kmb

_____AD3d_____

Submitted - February 1, 2012

MARK C. DILLON, J.P.
RUTH C. BALKIN
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2010-08256

DECISION & ORDER

The People, etc., respondent,
v Dwayne Dixon, appellant.

(Ind. No. 9092/06)

Steven Banks, New York, N.Y. (Joanne Legano Ross of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Pamela Seider Dolgow
and Dona B. Morris of counsel), for respondent.

Appeal by the defendant from an amended judgment of the Supreme Court, Kings County (Brennan, J.), rendered July 28, 2010, revoking a sentence of probation previously imposed by the same court (DiMango, J.), upon a finding that he violated a condition thereof, upon his admission, and imposing a sentence of imprisonment and postrelease supervision upon his previous conviction of attempted criminal sale of a controlled substance in the third degree. Assigned counsel has submitted a brief in accordance with *Anders v California* (386 US 738), in which he moves for leave to withdraw as counsel for the appellant.

ORDERED that the amended judgment is affirmed.

We are satisfied with the sufficiency of defense counsel's brief filed pursuant to *Anders v California* (386 US 738), 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; *Matter of*

February 14, 2012

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PEOPLE v DIXON, DWAYNE

Giovanni S. [Jasmin A.], 89 AD3d 252; *People v Paige*, 54 AD2d 631; cf. *People v Gonzalez*, 47 NY2d 606).

DILLON, J.P., BALKIN, BELEN and AUSTIN, 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