

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

D35876
W/kmb

_____AD3d_____

Submitted - June 20, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2011-02389

DECISION & ORDER

The People, etc., respondent,
v Paul Fishburne, appellant.

(Ind. No. 2802/10)

Joseph A. Hanshe, Sayville, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Michael J. Miller of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Braslow, J.), rendered February 18, 2011, convicting him of aggravated driving while intoxicated, operating a motor vehicle while under the influence of alcohol, aggravated unlicensed operation of a motor vehicle in the first degree (five counts), operating a motor vehicle without a safety belt, and consumption or possession of an alcoholic beverage in a motor vehicle, 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 he moves for leave to withdraw as counsel for the appellant.

ORDERED that the judgment is affirmed.

We are satisfied with the sufficiency of the brief filed by the defendant's assigned counsel 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 Giovanni S. [Jasmin A.]*, 89 AD3d 252; *People v Paige*, 54 AD2d

August 22, 2012

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631; *cf. People v Gonzalez*, 47 NY2d 606).

SKELOS, J.P., DICKERSON, HALL and ROMAN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court