

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

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Submitted - May 14, 2008

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
MARK C. DILLON
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-04981

DECISION & ORDER

The People, etc., respondent,
v Steven Emery, appellant.

(Ind. No. 06-01652)

Steven C. Davidson, White Plains, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Valerie A. Livingston and Anthony J. Servino of counsel; Grant D. O'Donnell on the brief), for respondent.

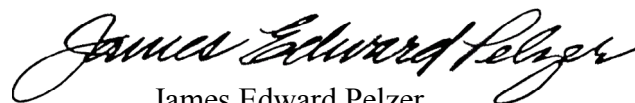
Appeal by the defendant from a judgment of the County Court, Westchester County (Cacace, J.), rendered April 23, 2007, convicting him of attempted burglary in the second degree, upon his plea of guilty, and imposing sentence.

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).

SPOLZINO, J.P., RITTER, DILLON, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 17, 2008

PEOPLE v EMERY, STEVEN