

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

D23332
G/kmg

_____AD3d_____

Submitted - April 29, 2009

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-02628

DECISION & ORDER

The People, etc., respondent,
v Francisco Garcia, appellant.

(Ind. No. 3039/07)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani of counsel),
for respondent.

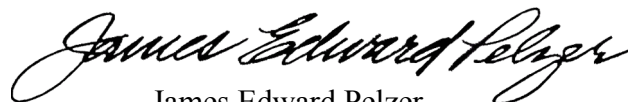
Appeal by the defendant from a judgment of the County Court, Suffolk County
(Hudson, J.), rendered November 19, 2007, convicting him of burglary in the third degree, upon his
plea of guilty, and imposing sentence.

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., SANTUCCI, ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 9, 2009

PEOPLE v GARCIA, FRANCISCO