

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

D23474
T/kmg

_____AD3d_____

Submitted - April 15, 2009

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

2007-04608

DECISION & ORDER

The People, etc., respondent,
v Damian Jackson, appellant.

(Ind. No. 07-00016)

John R. Lewis, Sleepy Hollow, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Robert H. Middlemiss of counsel), for respondent.

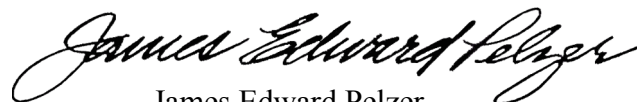
Appeal by the defendant from a judgment of the County Court, Orange County (Berry, J.), rendered April 25, 2007, convicting him of burglary in the second degree, upon his plea of guilty, and imposing sentence.

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

ENTER:



James Edward Pelzer
Clerk of the Court

June 9, 2009

PEOPLE v JACKSON, DAMIAN