

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: September 13, 2012

103451

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

DAVE E. CARRETTE,

Appellant.

Calendar Date: July 30, 2012

Before: Lahtinen, J.P., Spain, Malone Jr., Garry and
Egan Jr., JJ.

Aaron A. Louridas, Delmar, for appellant.

P. David Soares, District Attorney, Albany (Steven M. Sharp
of counsel), for respondent.

Appeal from a judgment of the Supreme Court (Lamont, J.),
rendered March 25, 2010 in Albany County, convicting defendant
upon his plea of guilty of the crime of criminal possession of
stolen property in the fifth degree.

Defendant pleaded guilty to criminal possession of stolen
property in the fifth degree and waived his right to appeal. He
was thereafter sentenced, in accordance with the plea agreement,
to time served and three years of probation. Defendant now
appeals.

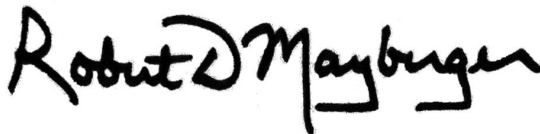
Appellate counsel seeks to be relieved of his assignment of
representing defendant on the ground that there are no
nonfrivolous issues to be raised on appeal. Based upon our
review of the record and counsel's brief, we agree. Therefore,
the judgment is affirmed and counsel's request for leave to

withdraw is granted (see People v Cruwys, 113 AD2d 979, 980 [1985], lv denied 67 NY2d 650 [1986]; see generally People v Stokes, 95 NY2d 633 [2001]).

Lahtinen, J.P., Spain, Malone Jr., Garry and Egan Jr., JJ., concur.

ORDERED that the judgment is affirmed, and application to be relieved of assignment granted.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court