

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

Decided and Entered: August 2, 2012

103992

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

DWAN DUDLEY,

Appellant.

Calendar Date: June 6, 2012

Before: Peters, P.J., Mercure, Malone Jr., Kavanagh and
Stein, JJ.

Denise J. Kerrigan, Cornwallville, for appellant, and
appellant pro se.

Terry J. Wilhelm, District Attorney, Catskill (Danielle D.
McIntosh of counsel), for respondent.

Appeal from a judgment of the County Court of Greene County
(Lalor, J.), rendered December 14, 2010, convicting defendant
upon his plea of guilty of the crime of criminal sale of a
controlled substance in the third degree.

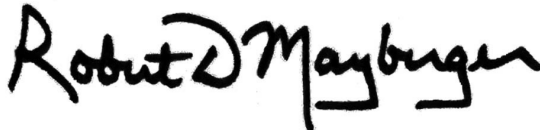
Defendant pleaded guilty to one count of criminal sale of a
controlled substance in the third degree and waived his right to
appeal in satisfaction of a six-count indictment. In accordance
with the plea agreement, defendant was sentenced as a second
felony offender to six years in prison followed by two years of
postrelease supervision, to run consecutively to the prison term
he was then serving. Defendant now appeals.

Appellate counsel seeks to be relieved of her 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, counsel's brief and defendant's pro se submission, 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]).

Peters, P.J., Mercure, Malone Jr., Kavanagh and Stein, 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