

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

Decided and Entered: August 2, 2012

104075

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

WILLIAM R. SOWELL,

Appellant.

Calendar Date: June 6, 2012

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

Cheryl L. Sovern, Clifton Park, for appellant, and
appellant pro se.

Gerald F. Mollen, District Attorney, Binghamton (Joann Rose
Parry of counsel), for respondent.

Appeal from a judgment of the County Court of Broome County
(Cawley, J.), rendered February 9, 2011, convicting defendant
upon his plea of guilty of the crime of attempted burglary in the
second degree.

In satisfaction of a two-count indictment, defendant
pleaded guilty to one count of attempted burglary in the second
degree. Pursuant to the terms of the negotiated plea, defendant
thereafter was sentenced as a second felony offender to a prison
term of three years followed by five years of postrelease
supervision. He now appeals.

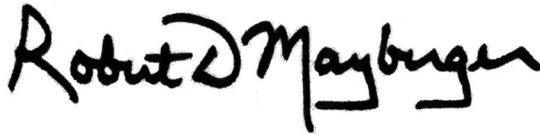
Appellate counsel seeks to be relieved of her assignment of
representing defendant upon the ground that there are no
nonfrivolous issues to be raised on appeal. Based upon our

review of the record, counsel's brief and defendant's pro se submission, we agree. Therefore, the judgment is affirmed and counsel's application 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, McCarthy, 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