

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

Decided and Entered: January 26, 2017

106523

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JACOB E. DAHL,

Appellant.

Calendar Date: November 29, 2016

Before: Peters, P.J., Garry, Egan Jr., Lynch and Clark, JJ.

Richard E. Cantwell, Plattsburgh, for appellant.

Kristy L. Sprague, District Attorney, Elizabethtown (James E. Martineau Jr. of counsel), for respondent.

Appeal from a judgment of the County Court of Essex County (Meyer, J.), rendered December 18, 2013, convicting defendant upon his plea of guilty of the crime of burglary in the second degree.

Defendant waived indictment and agreed to be prosecuted by a superior court information charging him with burglary in the second degree. He pleaded guilty to this charge in full satisfaction of the superior court information, as well as another pending charge, and also waived his right to appeal. He was thereafter sentenced in accordance with the terms of the plea agreement to five years in prison, followed by three years of postrelease supervision. Defendant now appeals.

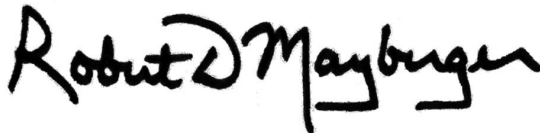
Appellate counsel seeks to be relieved of his assignment of representing defendant on the ground that there are no

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]).

Peters, P.J., Garry, Egan Jr., Lynch and Clark, 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