

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

Decided and Entered: September 28, 2017

108381

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JOSEPH WOODS,

Appellant.

Calendar Date: August 7, 2017

Before: McCarthy, J.P., Garry, Egan Jr., Clark and Mulvey, JJ.

G. Scott Walling, Queensbury, for appellant, and appellant
pro se.

P. David Soares, District Attorney, Albany (Christopher D.
Horn of counsel), for respondent.

Appeal from a judgment of the Supreme Court (Breslin, J.),
rendered November 19, 2015 in Albany County, convicting defendant
upon his plea of guilty of the crime of attempted criminal sale
of a controlled substance in the third degree.

In satisfaction of two indictments, defendant pleaded
guilty to attempted criminal sale of a controlled substance in
the third degree and waived his right to appeal, both orally and
in writing. He was sentenced in accordance with the terms of the
plea agreement and now appeals.

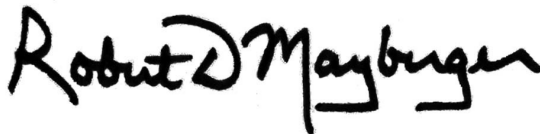
Appellate counsel seeks to be relieved of his assignment of
representing defendant on the ground that there are no
nonfrivolous issues to be raised on appeal. Based upon our
review of the record, counsel's brief and defendant's pro se

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]).

McCarthy, J.P., Garry, Egan Jr., Clark and Mulvey, 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