

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

Decided and Entered: September 19, 2019

109941

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THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

NANCY NIXON,

Appellant.

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Calendar Date: August 30, 2019

Before: Garry, P.J., Lynch, Devine, Aarons and Rumsey, JJ.

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G. Scott Walling, Slingerlands, for appellant.

Craig P. Carriero, District Attorney, Malone (Jennifer M. Hollis of counsel), for respondent.

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Appeal from a judgment of the Supreme Court (Richards, J.), rendered April 28, 2017, convicting defendant upon her plea of guilty of the crime of criminal sale of a controlled substance in the third degree.

In satisfaction of two pending indictments, defendant pleaded guilty to criminal sale of a controlled substance in the third degree and waived her right to appeal. In accordance with the terms of the plea agreement, she was sentenced to 3½ years in prison followed by two years of postrelease supervision, to run consecutively to a sentence that was imposed upon a conviction in another county. Defendant appeals.

Appellate counsel seeks to be relieved of his assignment of representing defendant on the ground that there are no nonfrivolous issues that may 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 Beaty, 22 NY3d 490 [2014]; People v Stokes, 95 NY2d 633 [2001]).

Garry, P.J., Lynch, Devine, Aarons and Rumsey, 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