

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

Decided and Entered: August 1, 2019

110327

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

FRANK ROARK,

Appellant.

Calendar Date: June 21, 2019

Before: Garry, P.J., Egan Jr., Clark, Aarons and Rumsey, JJ.

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

Robert M. Carney, District Attorney, Schenectady (Peter H.
Willis of counsel), for respondent.

Appeal from a judgment of the County Court of Schenectady
County (Sypniewski, J.), rendered January 9, 2018, convicting
defendant upon his plea of guilty of the crime of criminal
possession of a weapon in the second degree.

Defendant pleaded guilty to criminal possession of a
weapon in the second degree in satisfaction of a multicount
indictment. He also waived his right to appeal, both orally and
in writing. In accordance with the terms of the plea agreement,
defendant was sentenced as a second felony offender to six years
in prison followed by five years of postrelease supervision. He
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, counsel's brief and defendant's pro se submissions, 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., Egan Jr., Clark, Aarons and Rumsey, JJ.,
concur.

ORDERED that the judgment is affirmed, and application to be relieved of assignment granted.

ENTER:

Handwritten signature of Robert D. Mayberger in black ink.

Robert D. Mayberger
Clerk of the Court