

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

Decided and Entered: January 23, 2020

109675

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THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

SHANA BARNETT,

Appellant.

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Calendar Date: January 3, 2020

Before: Egan Jr., J.P., Mulvey, Pritzker, Reynolds Fitzgerald  
and Colangelo, JJ.

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Ralph Cherchian, Albany, for appellant.

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

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Appeal from a judgment of the Supreme Court (Breslin, J.),  
rendered July 6, 2017 in Albany County, convicting defendant  
upon her plea of guilty of the crime of tampering with physical  
evidence.

In satisfaction of a 15-count indictment, defendant  
pleaded guilty to tampering with physical evidence and waived  
her right to appeal. Consistent with the terms of the plea  
agreement, Supreme Court sentenced defendant, as a second felony  
offender, to a prison term of 2 to 4 years. 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. 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]).

Egan Jr., J.P., Mulvey, Pritzker, Reynolds Fitzgerald and Colangelo, 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